

Planning and Development Control Committee

Agenda

Tuesday 16 April 2024 at 7.00 pm

145 King Street (Ground Floor), Hammersmith, W6 9XY

Watch the meeting live: youtube.com/hammersmithandfulham

MEMBERSHIP

Administration:	Opposition
Councillor Omid Miri (Chair) Councillor Florian Chevoppe-Verdier (Vice-Chair) Councillor Wesley Harcourt Councillor Rebecca Harvey Councillor Nikos Souslous Councillor Patrick Walsh	Councillor Alex Karmel Councillor Adrian Pascu-Tulbure

CONTACT OFFICER: Charles Francis
Governance and Scrutiny
Tel: 07776 672945
E-mail: charles.francis@lbhf.gov.uk

Public Notice

This meeting is open to the public and press but spaces are limited. If you'd like to attend please contact: charles.francis@lbhf.gov.uk. The building has disabled access.

Should exempt information need to be discussed the committee will pass a resolution requiring members of the press and public to leave.

For details on how to register to speak at the meeting, please see overleaf.
Deadline to register to speak is 4pm on Thursday 11th April 2024

For queries concerning a specific application, please contact the relevant case officer.

PUBLIC SPEAKING AT PLANNING AND DEVELOPMENT CONTROL COMMITTEE

Who can speak?

Only the applicant or their agent and people who have commented on the application as part of the planning department consultation process in support or against will be permitted to speak at the meeting. They must have been registered to speak before addressing the committee. Ward Councillors may sometimes wish to speak at meetings even though they are not part of the committee. They can represent the views of their constituents. The Chair will not normally allow comments to be made by other people attending the meeting or for substitutes to be made at the meeting.

Do I need to register to speak?

All speakers, except Ward Councillors, must register at least two working days before the meeting. For example, if the committee is on Wednesday, requests to speak must be made by 4pm on the preceding Friday. Requests received after this time will not be allowed.

Registration is by email only. Requests should be sent to speakingatplanning@lbhf.gov.uk with your name, address and telephone number and the application you wish to speak to as well as the capacity in which you are attending.

How long is provided for speakers?

Those speaking in support or against an application will be allowed three minutes each. Where more than one person wishes to speak for or against an application, a total of five minutes will be allocated to those speaking for and those speaking against. The speakers will need to decide whether to appoint a spokesperson or split the time between them. The Chair will say when the speaking time is almost finished to allow time to round up. The speakers cannot question councillors, officers or other speakers and must limit their comments to planning related issues.

At the meeting

Please arrive 15 minutes before the meeting starts and make yourself known to the Committee Co-ordinator who will explain the procedure.

What materials can be presented to committee?

To enable speakers to best use the time allocated to them in presenting the key issues they want the committee to consider, no materials or letters or computer presentations will be permitted to be presented to the committee.

What happens to my petition or deputation?

Written petitions made on a planning application are incorporated into the officer report to the Committee. Petitioners, as members of the public, are welcome to attend meetings but are not permitted to speak unless registered as a supporter or objector to an application. Deputation requests are not accepted on applications for planning permission.

Planning and Development Control Committee Agenda

16 April 2024

<u>Item</u>	<u>Pages</u>
1. APOLOGIES FOR ABSENCE	
2. DECLARATION OF INTERESTS	
<p>If a Councillor has a disclosable pecuniary interest in a particular item, whether or not it is entered in the Authority's register of interests, or any other significant interest which they consider should be declared in the public interest, they should declare the existence and, unless it is a sensitive interest as defined in the Member Code of Conduct, the nature of the interest at the commencement of the consideration of that item or as soon as it becomes apparent.</p> <p>At meetings where members of the public are allowed to be in attendance and speak, any Councillor with a disclosable pecuniary interest or other significant interest may also make representations, give evidence or answer questions about the matter. The Councillor must then withdraw immediately from the meeting before the matter is discussed and any vote taken.</p> <p>Where Members of the public are not allowed to be in attendance and speak, then the Councillor with a disclosable pecuniary interest should withdraw from the meeting whilst the matter is under consideration. Councillors who have declared other significant interests should also withdraw from the meeting if they consider their continued participation in the matter would not be reasonable in the circumstances and may give rise to a perception of a conflict of interest.</p> <p>Councillors are not obliged to withdraw from the meeting where a dispensation to that effect has been obtained from the Standards Committee.</p>	
3. MINUTES	5 - 8
<p>To approve as an accurate record, and the Chair to sign, the minutes of the meeting of the Committee held on 5th March 2024.</p>	
4. 58 BOSCOMBE ROAD, LONDON W12 9HU, CONINGHAM, 2023/02697/FUL	9 - 37
5. K WEST HOTEL, RICHMOND WAY, LONDON W14 0AX, ADDISON, 2023/02260/FUL	38 - 80

6. **93-97A SCRUBS LANE, LONDON NW10 6QU, COLLEGE PARK AND
OLD OAK, 2023/03082/OPDOBS** 81 - 91

London Borough of Hammersmith & Fulham



Planning and Development Control Committee Minutes

Tuesday 5 March 2024

PRESENT

Committee members: Councillors Omid Miri (Chair), Wesley Harcourt, Nikos Souslous, Patrick Walsh, Alex Karmel and Adrian Pascu-Tulbure

Officers:

Matt Butler (Assistant Director of Development Management)
Allan Jones (Team Leader Urban Design and Heritage)
Roy Asagba-Power (Team Leader)
Neil Egerton (Deputy Team Leader)
Sian Brown (Principal Planning Officer)
Catherine Paterson (Highways)
Mrinalini Rajaratnam (Chief Solicitor - Property and Planning)
Charles Francis (Clerk)

1. APOLOGIES FOR ABSENCE

Apologies for absence were provided by Councillors Florian Chevoppe-Verdier and Rebecca Harvey.

2. DECLARATION OF INTERESTS

There were no declarations of interest.

3. MINUTES

The minutes of the previous meeting held on 13 February 2024 were agreed as an accurate record.

4. **108 - 116 GLENTHORNE ROAD, LONDON W6 0LP, GROVE, 2022/03664/FUL**

An addendum was circulated prior to the meeting that modified the report.

Neil Egerton presented the item. The Applicant spoke in support of the application.

The Committee voted on the officer recommendations for approval as amended by the Addendum as follows:

Recommendation 1:

FOR	Unanimous
AGAINST:	0
NOT VOTING:	0

Recommendation 2:

FOR:	Unanimous
AGAINST:	0
NOT VOTING:	0

RESOLVED

1. That the Director of Planning and Property be authorised to grant planning permission upon the completion of a satisfactory legal agreement covering the Heads of Terms proposed in the report and subject to the conditions listed in the report and the addendum.
2. That the Director of Planning and Property, after consultation with the Assistant Director of Legal Services and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed Heads of Terms of the legal agreement or proposed conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

5. **RIVERSIDE STUDIOS AND QUEENS WHARF, CRISP ROAD, LONDON W6, HAMMERSMITH BROADWAY, 2022/00901/FUL**

An addendum was circulated prior to the meeting that modified the report.

Sian Brown presented the item. There were no registered speakers.

The Committee voted on the officer recommendations for approval as amended by the Addendum as follows:

Recommendation 1:

FOR	Unanimous
AGAINST:	0
NOT VOTING:	0

Recommendation 2:

FOR:	Unanimous
AGAINST:	0
NOT VOTING:	0

RESOLVED

1. That the Director of Planning and Property be authorised to grant permission subject to the condition(s) listed in the report.
2. That the Director of Planning and Property, after consultation with the Assistant Director of Legal Services and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

6. 84D LILLIE ROAD, LONDON, SW6 1TL, WEST KENSINGTON, 2023/02357/FUL

An addendum was circulated prior to the meeting that modified the report.

Roy Asagba-Power presented the item. There were no registered speakers.

The Committee voted on the officer recommendation for refusal as amended by the Addendum as follows:

The Committee voted on the officer recommendation for refusal as follows:

Recommendation 1:

FOR	5
AGAINST:	1
NOT VOTING:	0

RESOLVED

1. That the Director of Planning and Property be authorised to refuse permission based on the reasons set out in the report.

7. **CONFIRMATION OF TREE PRESERVATION ORDER T439/11/23, LAND AT HYDE MEWS, DALLING ROAD, W6, RAVENSCOURT**

An addendum was circulated prior to the meeting that modified the report.

Allan Jones presented the item. There were no registered speakers.

The Committee voted on the officer recommendation for confirmation as amended by the Addendum as follows:

The Committee voted on the officer recommendation for confirmation as follows:

Recommendation 1:

FOR	Unanimous
AGAINST:	0
NOT VOTING:	0

RESOLVED

1. That the Tree Preservation Order T439/11/23 be confirmed without modification.

Addendum

Meeting started: 7.00 pm
Meeting ended: 8.32 pm

Chair

Contact officer: Charles Francis
Committee Co-ordinator
Governance and Scrutiny
Tel 07776 672945
E-mail: charles.francis@lbhf.gov.uk

Ward: Coningham

Site Address:

58 Boscombe Road London W12 9HU



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For identification purposes only - do not scale.

Reg. No:

2023/02697/FUL

Case Officer:

Elliot Brown

Date Valid:

25.10.2023

Conservation Area:

Committee Date:

16.04.2024

Applicant:

WEP TWO LTD

11 High Street Acton Harrow W3 6NG

Description:

Erection of an additional floor with roof terrace at roof level and erection of a rear extension at second floor level on top of the existing back addition, in connection with the creation of 1no. self-contained two bedroom maisonette at second and third floor level and the conversion of the existing maisonette at first and second floor level into 1no. self-contained studio flat at first floor level; erection of a two storey rear infill extension at basement and ground floor level; excavation of the front garden and part of the rear garden to form lightwells, in connection with the enlargement of the existing basement; associated works including provision of refuse and cycle storage.

Drg Nos: A100 REV P3; A101 REV P3; Flood Risk Assessment and SuDS Report (Ref. 4721/2023 REV D, dated January 2024) prepared by EAS; Internal Daylight Assessment (Ref. 5230, Issue 2, dated December 2023) prepared by T16 Design.

Application Type:

Full Detailed Planning Application

Officer Recommendation:

- 1) That the Committee resolve, that the Director of Planning and Property be authorised to grant planning permission upon the completion of a satisfactory legal agreement and subject to the conditions listed below.
- 2) That the Committee resolve that the Director of Planning and Property, after consultation with the Assistant Director of Legal Services and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

Conditions:

- 1) The development hereby permitted shall not commence later than the expiration of 3 years beginning with the date of this planning permission.

Condition required to be imposed by section 91(1)(a) of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

- 2) The development hereby permitted shall be carried out in complete accordance with the approved plans and drawings listed in this decision notice, other than where those details are altered pursuant to the conditions of this planning permission.

To ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans.

- 3) The development hereby approved shall be carried out and completed in accordance with the materials details (including colour and finish) specified below:

Additional floor at roof-level: Natural grey slate tiles.

Dormer projections within additional floor at roof-level: clad in lead. The windows within the dormer projections to be white timber or aluminium.

External walls of the proposed second-floor rear extension and the two-storey lower ground and ground-floor infill extension: brickwork to match the existing rear elevation brickwork finish.

New and replacement windows/doors: white timber or aluminium material.

Terrace screening: 1.1m high black painted metal railing.

Front lightwell railing: 1.1m high black painted metal railing.

The development shall be permanently retained in accordance with the approved details. Any works of making good to existing elevations shall be carried out in materials to match the elevation to which the works relate.

To ensure a satisfactory external appearance, in accordance with Policies DC1, DC4 and DC8 of the Local Plan (2018).

- 4) No relevant part of the development (i.e. groundworks and basement level works) shall commence until a preliminary risk assessment report is submitted to and approved in writing by the Council. This report shall comprise: a desktop study which identifies all current and previous uses at the site and surrounding area as well as the potential contaminants associated with those uses; a site reconnaissance; and a conceptual model indicating potential pollutant linkages between sources, pathways and receptors, including those in the surrounding area and those planned at the site; and a qualitative risk assessment of any potentially unacceptable risks arising from the identified pollutant linkages to human health, controlled waters and the wider environment including ecological receptors and building materials. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policy CC9 of the Local Plan (2018).

- 5) No relevant part of the development (i.e. groundworks and basement level works) shall commence until a site investigation scheme is submitted to and approved in writing by the Council. This scheme shall be based upon and target the risks identified in the approved preliminary risk assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface and groundwater. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policy CC9 of the Local Plan (2018).

- 6) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no relevant part of the development (i.e. groundworks and basement level works) shall commence until, following a site investigation undertaken in compliance with the approved site investigation scheme, a quantitative risk assessment report is submitted to and approved in writing by the Council. This report shall: assess the degree and nature of any contamination identified on the site through the site investigation; include a revised conceptual site model from the preliminary risk assessment based on the information gathered through the site investigation to confirm the existence of any remaining pollutant linkages and determine the risks posed by any contamination to human health, controlled waters and the wider environment. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policy CC9 of the Local Plan (2018).

- 7) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no relevant part of the development (i.e. groundworks and basement level works) shall commence until, a remediation method statement is submitted to and approved in writing by the Council. This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved quantitative risk assessment. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks

are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policy CC9 of the Local Plan (2018).

- 8) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no relevant part of the development (i.e. groundworks and basement level works) shall commence until the approved remediation method statement has been carried out in full and a verification report confirming these works has been submitted to, and approved in writing, by the Council. This report shall include: details of the remediation works carried out; results of any verification sampling, testing or monitoring including the analysis of any imported soil; all waste management documentation showing the classification of waste, its treatment, movement and disposal; and the validation of gas membrane placement. If, during development, contamination not previously identified is found to be present at the site, the Council is to be informed immediately and no further development (unless otherwise agreed in writing by the Council) shall be carried out until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the Council. Any required remediation shall be detailed in an amendment to the remediation statement and verification of these works included in the verification report. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policy CC9 of the Local Plan (2018).

- 9) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no relevant part of the development (i.e. groundworks and basement level works) shall commence until an onward long-term monitoring methodology report is submitted to and approved in writing by the Council where further monitoring is required past the completion of development works to verify the success of the remediation undertaken. A verification report of these monitoring works shall then be submitted to and approved in writing by the Council when it may be demonstrated that no residual adverse risks exist. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policy CC9 of the Local Plan (2018).

- 10) Prior to commencement of the development (excluding demolition, initial site clearance and ground works), details shall be submitted to, and approved in writing by, the Council, of the sound insulation of the floor/ ceiling/ walls separating the commercial part(s) of the premises from the basement dwelling (Flat 1) and the first-floor dwelling (Flat 2). Details shall demonstrate that the sound insulation value $D_{nT,w}$ is enhanced by at least 10dB above the Building Regulations value. If additional mitigation measures are required to contain commercial noise within the commercial premises and to achieve the criteria of BS8233:2014 within the basement and first-floor dwelling, then these details shall be submitted to, and approved in writing by, the Council prior to their installation. The approved details shall be implemented prior to occupation of the basement and first-floor dwelling and thereafter be permanently retained.

To ensure that the amenity of occupiers of the development site/adjacent dwellings/noise sensitive premises is not adversely affected by noise, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

- 11) Prior to commencement of the development (excluding demolition, initial site clearance and ground works), details shall be submitted to, and approved in writing by, the Council, of an enhanced sound insulation value $D_{nT,w}$ and $L'_{nT,w}$ of at least 5dB above the Building Regulations value, for the floor/ceiling/wall structures separating the adjoining dwellings at first floor (Flat 2) and second-floor (Flat 3) levels. If additional mitigation measures are required to contain residential noise within the residential premises and to achieve the criteria of BS8233:2014 within the basement, first-floor and second and third-floor dwellings, then these details shall be submitted to, and approved in writing by, the Council prior to their installation. The approved details shall be implemented prior to occupation of the basement, first-floor and second and third-floor dwellings and thereafter be permanently retained.

To ensure that the amenity of occupiers of the development site/adjacent dwellings/noise sensitive premises is not adversely affected by noise, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

- 12) Prior to commencement of the development hereby approved, a Construction Logistics Plan shall be submitted to, and approved in writing by, the Council. This must be in accordance with Transport for London (TfL) requirements and should seek to minimise the impact of construction traffic on nearby roads and restrict construction trips to off-peak hours only. Thereafter the approved details shall be implemented throughout the project period.

To ensure that construction works do not adversely impact on the operation of the public highway, in accordance with Policies T1 and T7 of the Local Plan (2018).

- 13) Prior to commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Council. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of

hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800 -1300 hrs on Saturdays, and not at all on Sundays or bank holidays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. The approved details shall be implemented throughout the project period.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

- 14) Prior to occupation of the development hereby permitted, details (including model number and manufacturer specification) and installation/commissioning reports of the Zero Emission MCS certified Air Source Heat Pump or Electric Boiler(s) to be provided for space heating and hot water for the new self-contained dwellinghouse (Class C3) shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

To ensure satisfactory levels of air quality for future occupants, in accordance with Policy CC10 of the Local Plan (2018).

- 15) Prior to occupation of the development hereby permitted, details of the proposed cycle storage (including dimensions, methods of opening, design and materials/finishes) shall be submitted to, and approved in writing by, the Council. Thereafter, the approved details shall be implemented prior to occupation of the development and shall be permanently retained for the lifetime of the development.

To ensure a satisfactory provision of cycle storage facilities for future residential occupants, in accordance with Policy T5 of the London Plan (2021) and Policy T3 of the Local Plan (2018).

- 16) Prior to occupation of the development hereby permitted, details of the proposed refuse and recycling storage (including dimensions, litre capacity, methods of opening, design and materials/finishes) shall be submitted to, and approved in writing by, the Council. Thereafter, the approved details shall be implemented prior to occupation of the development and shall be permanently retained for the lifetime of the development.

To ensure a satisfactory provision of refuse and recycling storage facilities for future residential occupants, in accordance with Policy CC7 of the Local Plan (2018).

- 17) Prior to the installation of the green roof on top of the cycle and refuse/recycling storage, details of the sedum grass roof shall be submitted to in writing for approval by the council. The details, including plans and sections as well as

supporting text, should demonstrate how the green roof provides sustainable drainage benefits by reducing surface water run-off. Information on the substrate depth (minimum 80mm required) and planting mix should be provided. Maintenance information should also be included. The green roof shall thereafter be retained and maintained for the lifetime of the development.

To ensure a satisfactory external appearance and ensure that surface water run-off is managed in a sustainable manner, in accordance with Policies CC2, CC3 and DC1 of the Local Plan (2018) and Policy G1 of the London Plan (2021).

- 18) Other than the area shown as a terrace on the approved plans no other part of the subject properties roofs, including the flat roof section of the additional floor at roof-level hereby approved, shall be converted into or used as a terrace or other open amenity space. No alterations shall be carried out; nor planters or other chattels placed on the remaining roofs. No railings or other means of enclosure shall be erected around the remaining roofs and no alterations shall be carried out to the property to form an access onto this roofs.

Such a use would be detrimental to the amenities of neighbouring properties by reason of overlooking and loss of privacy and potential noise and disturbance, contrary to Policies CC11 and HO11 of the Local Plan (2018)

- 19) The terraces hereby approved shall not be first used until the means of enclosure to the terraces has been installed as shown on approved drawing nos. A100 REV P3 and A101 REV P3. The means of enclosure to the terraces shall consist of black metal painted railing and shall have a height of 1.1m above the finished floor level of the terraces. The terrace railing shall thereafter be permanently retained as approved.

To protect the amenities of neighbouring occupiers in terms of overlooking and privacy in accordance with Policy HO11 of the Local Plan (2018).

- 20) No water tanks, water tank enclosures or other structures shall be erected upon the roofs of the extensions hereby permitted.

It is considered that such structures would seriously detract from the appearance of the building, contrary to Policy DC4 of the Local Plan (2018).

Justification for Approving the Application:

- 1) The proposal would result in the net-gain of one residential unit, which would contribute towards the Borough's housing targets, whilst ensuring a good standard of accommodation to the proposed residential units at upper-floor levels and resulting in a notable improvement to the standard of accommodation to the existing lower ground-floor flat. The proposal is considered to be of a scale, massing, design and material which would ensure subservient additions to the parent building and subject terrace-row and a satisfactory visual appearance. This would preserve the character and appearance of the application site and surrounding area (including the preservation of the significance of the Greenside Elementary School, a Grade II* Listed Building). Furthermore, the proposal would mitigate against detrimental harm to neighbouring amenity, highways and flood risk. In these respects, the proposal would be consistent with Sections 5, 12 and 16 of the National Planning Policy Framework (2023), Policies D6, D12, H1, HC1 and T5 of the London Plan (2021), Policies CC3, CC4, CC7, CC9, CC10, CC11, CC13, DC1, DC4, DC8, DC11, HO1, HO2, HO4, HO11, T1, T4 and T7 of the Local Plan (2018) and Key Principles BL1, BL3, HS1, HS3, HS6, HS7, HS8 and NN3 of the Planning Guidance Supplementary Planning Document (2018).

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

All Background Papers held by Andrew Marshall (Ext: 4841):

Application form received: 13th October 2023
Drawing Nos: see above

Policy documents: National Planning Policy Framework (NPPF) 2023
The London Plan 2021
LBHF - Local Plan 2018
LBHF – Planning Guidance Supplementary Planning Document
2018

Consultation Comments:

Comments from:

Thames Water - Development Control
Crime Prevention Design Advisor - Hammersmith
Environment Agency - Planning Liaison

Dated:

27.10.23
03.11.23
10.11.23

Neighbour Comments:

Letters from:

Dated:

56 Boscombe Road Ground floor and basement flat London W12 9HU	24.11.23
56 Boscombe Road Basement and Ground Floor Flat London W12 9HU	24.11.23
Ground floor flat, 50/52 Boscombe Road London W12 9HU	24.11.23
3 Parkside Ravenscourt Park London W6 0UU	27.11.23
54a Boscombe Road London W12 9HU	24.11.23
22B Goodwin Road London W12 9JW	23.11.23
52 Boscombe Road First Floor Flat London W12 9HU	24.11.23
50/52 Boscombe Road London W12 9HU	24.11.23
First Floor Flat 56 Boscombe Rd London W12 9HU	28.11.23
First Floor Flat 56 Boscombe Rd London W12 9HU	23.11.23
Flat 3 50 Boscombe Road London W12 9HU	24.11.23
3 Parkside Ravenscourt Park London W6 0UU	27.11.23
50 Boscombe Road London W12 9HU	23.11.23
50 Boscombe Road London W12 9HU	24.11.23

COMMITTEE REPORT

1.0 SITE DESCRIPTION

- 1.1 The application site comprises a three-storey mixed use commercial and residential property with basement, located on the western side of Boscombe Road. No.58 is a prominent end-of-terrace corner property located on the junction with Goodwin Road. The property contains a Class E commercial unit at ground floor level ('Boscombe Food and Wine') with a Class C3 1 bedroom unit at basement level, and a 2-bedroom maisonette flat above at first and second floor level.
- 1.2 The application site does not lie within a Conservation Area, nor does it contain a Listed Building or a locally listed Building of Merit.
- 1.3 The site is located within the Environment Agency's Flood Risk Zones 2 and 3, within an area that benefits from flood defences.

2.0 RELEVANT PLANNING HISTORY

- 2.1 There is an extensive planning history relating to No.58 Boscombe Road. Officers consider that the following applications are most relevant to the current planning application.

+ Planning records

2022/03636/FUL - Erection of an additional floor with roof terrace at roof level, in connection with the extension of the existing residential unit to create 1 no. self-contained four bedroom dwelling at first, second and third floor level; erection of a single storey rear extension at first floor level to the side of and above the existing back addition. Approved 08.06.23

2020/00038/FUL - Erection of an additional floor with roof terrace at roof level, in connection with the creation of 1no. self-contained two bedroom maisonette at second and third floor level; erection of a two storey rear extension at first and second floor level to the side of and above the existing back addition in connection with the conversion of the existing maisonette at first and second floor level into 1no. self-contained one bedroom flat at first floor level. Non-determination appeal dismissed in January 2021. PINS highlighted that the proposal would create considerable overhang above the window serving the basement flat, detrimental to their amenity with regard to outlook, light and sense of overbearing. Officers note that the Planning Inspector raised no objection to the proposal with regard to design/visual amenity.

2019/01682/FUL - Erection of an additional floor with roof terrace at roof level in connection with the creation of 1no. self-contained two bedroom flat at second and third floor level; erection of a two storey rear extension at first and second floor level to the side of and above the existing back addition in connection with the conversion of the existing maisonette at first and second floor level into 1no. self-contained one bedroom flat at first floor level. Refused planning permission on 09.08.2019, on visual amenity grounds.

A subsequent appeal was dismissed by PINS, The Inspector considered that the proposal was acceptable with regard to visual amenity, however as there was no mechanism to secure no parking for the additional unit, it could harm the area and the appeal was dismissed.

2019/02526/CLE - Continued use of the basement as a self-contained residential flat. Certificate refused on 22.10.2019 on basis of insufficient evidence. A subsequent appeal against an enforcement notice was allowed and the enforcement notice quashed in June 2020.

3.0 PROPOSAL

3.1 The current proposal seeks planning consent for:

'Erection of an additional floor with roof terrace at roof level and erection of a rear extension at second floor level on top of the existing back addition, in connection with the creation of 1no. self-contained two bedroom maisonette at second and third floor level and the conversion of the existing maisonette at first and second floor level into 1no. self-contained studio flat at first floor level; erection of a two storey rear infill extension at basement and ground floor level; excavation of the front garden and part of the rear garden to form lightwells, in connection with the enlargement of the existing basement; associated works including provision of refuse and cycle storage'.

4.0 CONSULTATIONS

4.1 The application was publicised by means of a press and site notice as well as individual letters of notification to neighbouring occupants (54 letters sent).

4.2 In response to the notifications a total of 14 objections were received. The issues raised can be summarised as follows:

- The scale and massing of the proposal would have a harmful impact upon neighbouring amenity (particularly with regard to light, outlook, privacy, a sense of enclosure the streetscene and noise);
- A daylight report assessing the proposal's impact has not been submitted;
- The proposal does not sufficiently address flood risk
- There is limited information with regard to the proposed bicycle/bin store.
- The submission is inaccurate and misleading. The proposed rear elevation shows no reference to the courtyard levels which drop down significantly toward the back of the courtyard, nor does it show elevations of the neighbouring buildings in relation to the proposal;
- Certain paragraphs of the construction environment management plan (e.g. para 2.3 and 4.3) are incorrect;
- The boundary walls would be increased in height, which would prevent the existing limited passive surveillance of the street from the rear windows of Boscombe Road;
- The enclosure of the courtyard is concerning, with safety paramount for residents who need access day and night;
- The excavation below neighbouring foundations is of concern to surrounding occupants;
- Concern is raised regarding noise, dust and disturbance associated with construction works;
- The lower ground-floor is not fit for habitation (due to floor to ceiling height, lack of light and insufficient drainage).
- There is a lack of party wall permission sought;
- There was no planning consent in place prior to the installation of the A/C units serving the ground-floor shop;
- There is an existing vermin issue, due to rubbish build-up within the garden of the application site.

Officer response:

- The proposal's material planning considerations (including design and impact upon the character and appearance of the application property and the surrounding area, the impact upon neighbouring amenity, flood risk and highway matters) will be assessed within the 'planning considerations' section of this report;
- Party Wall matters fall under the 1996 Party Wall Act, and fall outside of planning legislation. Officers advise that any queries/concerns relating to Party Wall matters should be discussed with a Party Wall Surveyor;
- Drainage and structural stability/foundations would be covered by Building Regulations;

- Officers are sympathetic to concerns relating to noise, dust and disturbance associated with construction works. However, these matters fall under Environmental Health legislation, rather than planning legislation;
- Regarding the residential use class of the lower ground-floor flat, officers highlight that the current planning use of the lower ground-floor unit is established as residential (Use Class C3), when the Planning Inspectorate dismissed the relevant enforcement notice. As such, from a planning perspective no material change of use would occur to this unit;

5.0 POLICY FRAMEWORK

5.1 The Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 are the principal statutory considerations for town planning in England.

5.2 Collectively the three Acts create a plan led system which requires local planning authorities to determine planning applications in accordance with an adopted statutory development plan unless there are material considerations which indicate otherwise (section 38(6) of the 2004 Act as amended by the Localism Act).

5.3 In this instance the statutory development plan comprises the London Plan (2021) and the Local Plan (2018). A number of strategic and local supplementary planning guidance and other documents are also material to the determination of the application.

National Planning Policy Framework (December 2023)

5.4 The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and was revised in 2023 and is a material consideration in planning decisions. The NPPF, as supported by the Planning Practice Guidance (PPG) sets out national planning policies and how these are expected to be applied.

5.5 The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

London Plan

5.6 The London Plan was published in March 2021. It sets out the overall strategic plan for London and a fully integrated economic, environmental, transport and social framework for the development of the Capital over the next 20-25 years. It forms part of the development plan for Hammersmith and Fulham.

Local Plan

5.7 The Council adopted the new Local Plan on 28 February 2018. The policies in the Local Plan together with the London Plan make up the statutory development plan for the borough. The Planning Guidance Supplementary Planning Document (SPD) (February 2018) is also a material consideration in determining planning applications. It provides supplementary detail to the policies and is organised around key principles.

6.0 PLANNING CONSIDERATIONS

6.1 Officers consider that the current proposal would raise the following material planning considerations:

- Housing supply, the principle of the proposed sub-division and land use;
- Quality of the proposed residential accommodation;
- Design and impact upon the character, appearance and significance of the subject building and the surrounding area (including designated heritage assets);
- Impact upon neighbouring amenity;
- Highways/parking and refuse/recycling;
- Flood risk;
- Land contamination;
- Air quality;
- Fire safety.

HOUSING SUPPLY, THE PRINCIPLE OF THE PROPOSED SUB-DIVISION OF THE EXISTING UPPER FLOOR RESIDENTIAL UNIT AND LAND USE

+ Housing supply

6.2 The provision of housing is a significant issue, with paragraph 60 of the National Planning Policy Framework (NPPF, 2023) outlining that local planning authorities should seek to significantly boost the supply of housing. This need for housing is recognised within Policy H1 of the London Plan (2021), with Table 4.1 of this Policy outlining that a minimum of 1,609 new residential dwellings should be provided per year within the Borough of Hammersmith and Fulham up to 2029. Policy HO1 of the Local Plan (2018) specifies that H&F will seek to provide at least 1,031 new residential dwellings up to 2035.

6.3 The proposal would result in the net-gain of one (1) residential unit, which would be consistent with Policy H1 of the London Plan (2021) and Policy HO1 of the Local Plan (2018).

+ Sub-division of the existing first and second-floor maisonette (1 x 2-bed) into two self-contained residential units (1x2-bed and 1 x studio unit)

6.4 The proposal involves the sub-division of the existing residential maisonette at first and second-floor level into 1x 1-bed studio unit at first-floor level (Flat 2) and 1x 2-bed unit at second and new third-floor level (Flat 3). Accordingly, Policy HO2 of the Local Plan (2018) is applicable. This outlines that the Council will permit conversions of existing dwellings where:

- The net floor area of the original dwelling is more than 120sqm;
- At least 50% of the proposed units consist of two or more bedrooms;
- Housing appropriate for families has access to any garden or amenity space;
- There is no adverse impact upon on-street parking stress;
- Proposals would not result in the net loss of permanent residential accommodation;
- Proposals would not result in an increase in parking stress within the locality of the application site.

6.5 The net floor area of the original building prior to sub-division exceeds 120sqm. With regard to the proposed unit mix, officers note that the existing basement residential unit is not included within the proposed sub-division element of this application. Accordingly, the proposed sub-division would relate solely to the first and second floor and would ensure that 50% of the proposed units at upper floor levels would consist of two bedrooms.

6.6 Furthermore, it is considered that the proposals impact upon parking stress within the locality of the application site could be mitigated via a unilateral undertaking to restrict future occupants of the additional residential unit proposed (the first-floor studio unit) from applying for on-street car parking permits. Accordingly, officers consider that the proposal would be consistent with Policy HO2 of the Local Plan (2018) and the principle of the sub-division of the existing upper floor residential unit can be accepted.

+ Land use

6.7 The proposal would not alter the existing land use, with commercial usage retained at ground-floor level and residential accommodation retained at basement and upper floor levels. As such officers do not raise any objection to the proposed land use depicted.

QUALITY OF THE PROPOSED RESIDENTIAL ACCOMMODATION

+ Unit size and individual room size

6.8 The proposal would see the existing first and second-floor residential maisonette sub-divided into two self-contained residential units. Accordingly, Key Principle HS3 of the Planning Guidance Supplementary Planning Document (SPD, 2018) would be an applicable consideration, with regard to the unit size and individual room size of the proposed residential units.

6.9 In terms of unit size, Key Principle HS3 specifies that converted flats to provide for full self-containment should have an internal area of at least 32.5sqm where a separate bedroom is provided. Where a self-contained studio apartment is provided there should be at least 25sqm with a minimum living/sleeping area of 14sqm. Annotations on drawing No. A100 REV P3 specify that the proposed first-floor and the proposed second and third-floor residential units (Flats 2 and 3) would feature the following unit sizes:

Flat 2 (first-floor): 40sqm

Flat 3 (second and third-floor): 70sqm

6.10 Accordingly, the proposed residential units at first-floor and second/third-floor level would exceed the minimum floorspace requirements specified by Key Principle HS3 of the Planning Guidance SPD (2018).

6.11 With regard to individual room sizes, Key Principle HS3 sets out the following requirements for residential units with less than 3 bedrooms:

- Living room: 12.5sqm
- Dining/living room: 14sqm
- Working kitchen: 5.5sqm
- Kitchen/Diner: 7.5sqm
- Main bedroom: 12sqm
- Second double-bedroom: 10.2sqm
- Single bedroom: 6.5sqm
- Bathroom: 3.7sqm

6.12 Annotations on, and measurements taken from, drawing No. A100 REV P3 demonstrate that the proposed Flat 3 would comply with these individual room sizes. Meanwhile, annotations on drawing No. A100 REV P3 demonstrates that the living/sleeping area of the proposed studio unit (Flat 2) would meet the requirements set out by Key Principle HS3 of the Planning Guidance SPD (2018).

6.13 With regard to the existing basement unit (Flat 1) that was previously granted on appeal, the current proposal would increase the floorspace of the existing basement unit from 46sqm to 55sqm, improving the quality of this residential unit which in principle would not be objected to, subject to other material planning considerations.

+ Ceiling height

6.14 Policy D6 of the London Plan (2021) specifies that the minimum finished floor to ceiling height for residential units should be 2.5m for at least 75% of the unit's gross internal area (GIA). Measurements taken from the proposed section AA drawing within drawing No. A101 REV P3 demonstrates that the existing residential basement unit (Flat 1), the proposed first-floor studio unit (Flat 2) and the proposed second and third-floor residential unit (Flat 3) would all be provided with a finished floor to ceiling height of 2.5m for at least 75% of the unit's GIA. This would be consistent with Policy D6 of the London Plan (2021).

+ Noise

- 6.15 Policy CC11 of the Local Plan (2018) specifies that noise sensitive development (including housing) will not normally be permitted where the occupants/users would be affected adversely by noise, both internally and externally, from existing or proposed noise generating development. Policy CC13 of the Local Plan (2018) specifies that the Council will, where appropriate, require mitigation measures to prevent potential nuisances (for example noise) from causing harm.
- 6.16 Paragraph 10.8 of the Planning Guidance SPD (2018) specifies that poor design and layout of rooms often lead to neighbour noise complaints, and accordingly Key Principle NN3 of the Planning Guidance SPD (2018) expects all parts of adjoining dwellings to enhance the sound insulation, including where the adjoining room is of a similar use.
- 6.17 Officers highlight the siting of the existing basement flat (Flat 1) directly below the existing ground-floor commercial unit and the siting of the proposed studio unit (Flat 2) above the existing commercial unit. The council's Environmental Protection team have been consulted on the planning application and have raised no objection, subject to 1) a pre-commencement condition requiring details of enhanced sound insulation of at least 10dB above Building Regulation values between the floor/ceiling/walls separating the commercial part of the building from the residential units at lower ground-floor and first-floor level; and 2) a pre-commencement condition requiring details of enhanced sound insulation of at least 5dB above Building Regulation values between the floor/ceiling/walls separating the proposed residential units at first-floor and second and third-floor level. Subject to this, the proposal would be considered to prevent existing and future occupants from being exposed to harmful levels of noise and disturbance.

+ Outlook and light

- 6.18 Policy HO4 of the Local Plan (2018) outlines that the council will expect all housing development to be well designed internally and externally. Policy HO11 of the Local Plan (2018) outlines that the council will ensure that the design and quality of all new housing, including new build, conversions and change of use, is of a high standard. Officers consider that outlook and light will be important considerations with regard to the quality of the proposed residential accommodation.
- 6.19 Officers highlight that the proposed Flats 2 and 3 would both be dual aspect, with east and west facing windows and internal arrangements which ensure all habitable rooms would have sufficient access to outlook and light. The existing Flat 1 at basement level is currently considered to be of poor quality, particularly with regard to outlook and light. Notably, the entire existing unit is served by two windows to the rear of the unit, ensuring that the front section of the unit is solely reliant on electric lighting.
- 6.20 The proposal seeks to improve the standard of accommodation within the existing basement unit via excavation works to create a lightwell fronting Boscombe Road, which would serve the resultant kitchen/living/dining room of the basement unit, as well as excavation works in relation to a proposed rear infill extension, which would provide a larger bedroom that would be directly served by two windows.

- 6.21 An Internal Daylight Assessment (Ref. 5230, Issue No.2, dated December 2023) was submitted as part of the current application, focusing specifically on the lower ground-floor flat. This has assessed the level of internal light received to habitable rooms within Flat 1 against the relevant criteria set out within the latest BRE guidance 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' (3rd edition, 2022). This report demonstrates that the provision of light to the habitable rooms of Flat 1 would comply with the BRE 2022 guidance. Accordingly, officers consider that occupants would be provided with satisfactory levels of light and no objection would be raised.
- 6.22 Officers acknowledge that the levels of outlook from the living/dining/kitchen of Flat 1 would still be limited, even with the introduction of the front lightwell. Nevertheless, officers have given considerable weight to the fact that the use of the existing basement as a self-contained residential unit is an established situation, and that the existing front section of this flat does not currently benefit from any provision of outlook. Taking this into consideration, alongside the fact that the bedroom would be provided with two windows, officers consider that the provision of outlook for occupants of Flat 1 would be notably improved in comparison to the established levels of outlook, and therefore no objection would be raised to the level of outlook provided to Flat 1.

+ Amenity space

- 6.23 Policy D6 of the London Plan (2021) outlines that where there are no higher local standards in the borough Development Plan Documents, a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings, and an extra 1sqm should be provided for each additional occupant.
- 6.24 The proposal would provide occupants of proposed Flats 2 and 3 with amenity space in the form of private terraces. Measurements taken from the proposed drawing A100 REV P3 indicate that each terrace would feature a minimum footprint of 5sqm. Officers raise no objection to this provision, which is consistent with Policy D6 of the London Plan (2021). Flat 1 would have access to an area of outdoor amenity space in the lightwell adjacent to the proposed cycle and refuse/recycling storage. This would be the only feasible location for the provision of amenity space to Flat 1 and its inclusion is considered to be an improvement in the context of the lack of existing amenity space. Accordingly, officers raise no objection to the proposed provision of amenity space to occupants of Flats 1, 2 and 3.
- 6.25 Overall, officers are satisfied that the proposal would ensure a good standard of accommodation to the proposed residential units at upper floor levels (Flats 2 and 3), whilst the proposal would result in a notable improvement to the standard of accommodation to the existing basement flat (Flat 1) with regard to outlook, finished floor to ceiling height, the provision of light to habitable rooms and amenity space. Resultantly, no objection is raised with regard to Policy D6 of the London Plan (2021), Policies C11, CC13, HO4 and HO11 of the Local Plan (2018) and Key Principles HS1, HS3 and NN3 of the Planning Guidance SPD (2018).

DESIGN AND IMPACT UPON THE CHARACTER AND APPEARANCE OF THE APPLICATION PROPERTY AND THE SURROUNDING AREA (INCLUDING DESIGNATED HERITAGE ASSETS)

- 6.26 Paragraphs 135 and 139 of the National Planning Policy Framework (NPPF, 2023) specify that development should be visually attractive as a result of good architecture and be sympathetic to local character and history and permission should be refused for development of poor design. Paragraph 205 of the NPPF (2023) specifies that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to a heritage asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 6.27 Policy HC1 of the London Plan (2021) specifies that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the asset's significance and appreciation within their surroundings.
- 6.28 Policy DC1 of the Hammersmith and Fulham Local Plan (2018) notes that all development should seek to create a high-quality urban environment which respects and enhances its townscape setting, whilst Policy DC4 notes that all alterations and extensions to existing buildings should be a subservient addition to the parent building and compatible with the scale and character of existing development, neighbouring properties and their settings. Policy DC8 specifies that applications affecting designated heritage assets will only be permitted if the significance of the heritage asset is preserved and/or enhanced.
- 6.29 Policy DC11 of the Local Plan (2018) is applicable to proposals for new basements and extensions to existing basements. This specifies that typically, basements will only be permitted where they:
- (a) Do not extend into or underneath the garden further than 50% of the depth of the host building (as measured from the main rear elevation); [the existing rear garden is 30sqm, and the proposed excavation work would cover 15sqm of the existing rear garden]
 - (b) Do not extend into or underneath the garden further than 50% of the depth of the garden; [the existing rear garden is 30sqm, and the proposed excavation work would cover 15sqm of the existing rear garden]
 - (c) Are set back from neighbouring property boundaries where it extends beyond the footprint of the host building; [the proposed floor plans demonstrates that the basement excavation within the rear garden would be set-in from the neighbouring property boundary of No.56 Boscombe Road]
 - (d) Do not comprise more than one storey; [the enlarged basement would remain as a single-storey basement]
 - (e) Do not have an unacceptable impact upon the amenity of adjoining properties or the local, natural and historic environment during and post construction; [a structural support statement for groundworks, prepared by a qualified structural engineer has been submitted as part of the application. Furthermore, officers have

recommended that conditions relating to a construction logistics plan and a construction management plan be attached in the event that the planning committee grant planning consent, to mitigate against an unacceptable impact upon adjoining properties during and post construction. The basement excavation works are not judged to result in detrimental harm to the local, natural or historic environment]

- (f) Are designed to minimise flood risk (from all sources of flooding) to the property and neighbouring properties; [the applicant has submitted a flood risk assessment and SuDs report as part of this application. Following review, the Council's Environmental Policy (Flood Risk) team have raised no objection, subject to this document being adhered to. Further comments are set out within the flood risk section of this committee report].
- (g) Include a minimum of 1m of soil above any part of the basement beneath a garden; [by reason of the existing basement excavation at the application site, it would not be feasible to provide a minimum of 1m of soil above the part of the basement beneath the garden. Nevertheless, the proposed plans demonstrate that there would be sufficient space retained to sustain the growth of vegetation/planting]
- (h) Ensure that the basement helps reduce the volume and flow of surface water run-off through appropriate use of SuDs and will provide active drainage devices to minimise the risk of sewer flooding; [the applicant has submitted a flood risk assessment and SuDs report as part of this application. Following review, the Council's Environmental Policy (Flood Risk) team have raised no objection, subject to this document being adhered to. Further comments are set out within the flood risk section of this committee report].
- (i) Ensure that lightwells at the front or side of the property are as discreet as possible and allow the scale, character and appearance of the property and locality to remain largely unchanged; [The front lightwell has been designed to replicate the existing front lightwells established within Boscombe Road. No objection is raised to this].
- (j) Are designed to safeguard the structural stability of the existing building, nearby buildings and other infrastructure; [Officers note that a structural support statement for groundworks, prepared by a qualified structural engineer has been submitted as part of the application].
- (k) Provide a Construction Method Statement (CMS) carried out by a qualified structural or civil engineer as part of any planning application; [Officers note that a structural support statement for groundworks, prepared by a qualified structural engineer has been submitted as part of the application].
- (l) Provide a construction traffic management plan as part of the CMS to ensure that traffic and construction activity does not cause unacceptable harm to pedestrian, cycle, vehicular and road safety. [Officers have recommended that a pre-commencement condition relating to a construction logistics plan be included in the event that the planning committee grant consent. This would enable further details to be provided to ensure an acceptable impact on pedestrian, cycle, vehicular and road safety].

- 6.30 Officers highlight that a number of the representations received have raised concern that the proposal would represent an over-development of the application site, one which would be out of keeping with the established character and appearance of the surrounding area. The proposal's design and impact upon the character and appearance of the surrounding area (including designated heritage assets) will be assessed below.
- 6.31 In terms of the existing character and appearance of the locality, the site visit highlighted that other properties within the subject terrace-row feature mansard roof extensions and various back additions; with some of these consisting of three-storeys and some of these one or two-storey additions which infill some of the spaces between other back additions. This is also a point which has been highlighted by Planning Inspectors during previous appeals, with further detail set out in the following paragraphs. Accordingly, from a design perspective, the principle of the proposed external alterations would be considered acceptable. The proposed additional floor at roof-level would take the form of a mansard roof extension. A condition is recommended to secure the construction of the mansard roof in natural grey slate, which would be considered to ensure a satisfactory visual appearance. Conditions relating to the material of the dormer projections are also recommended to ensure the use of suitable materials.
- 6.32 The parent building features an original ground and first-floor back addition, and the proposed second-floor rear extension would be sited on top of this existing back addition, matching its depth and width. Annotations on drawing Nos. A100 REV P3 and A101 REV P3 specify that this element of the proposal would be constructed in brickwork to match the existing brickwork finish of the rear elevation.
- 6.33 A two-storey infill extension (at basement and ground-floor level) to the side of the original back addition of No.58 is also proposed. The site visit demonstrated that an infill extension of this scale would not appear out of keeping with the existing character and appearance of the subject terrace-row, and officers are of the opinion that this element of the proposal would achieve a subservient appearance to No.58 Boscombe Road whilst maintaining the appearance of the original back addition.
- 6.34 The council acknowledges that one of the refusal reasons of the previous planning application Ref.2019/01682/FUL related to visual amenity, with the cumulative bulk and mass of the proposed first, second and roof level extensions considered to be unacceptable. The council's appeal statement relating to application Ref. 2020/00038/FUL also raised concern on these grounds. Nevertheless, the two appeal decisions (Refs. APP/H5390/W/19/3236037 and APP/H5390/W/20/3252029) associated with Refs. 2019/01682/FUL and 2020/00038/FUL are material considerations when assessing the current planning application, and officers highlight that neither appeal decision raised an objection on design grounds or impact upon heritage assets.
- 6.35 Notably, Paragraph 21 of appeal decision Ref. APP/H5390/W/19/3236037 stated that 'the proposed mansard roof extension would be designed acceptably, it would sit comfortably on the space adjoining the boundary wall with the neighbour and would not look out of place with the other mansard roofs in the vicinity. The dormer windows would be an addition that complemented the design'. This comment was

re-iterated in Paragraph 9 of the appeal decision Ref. APP/H5390/W/20/3252029.

- 6.36 Officers note that the scale of the proposed second-floor rear extension and two-storey infill extension has been reduced in scale, massing and design in comparison to the previous application Refs. 2019/01682/FUL and 2020/00038/FUL (these previous applications both included a proposed infill extension at first and second-floor level). Officers highlight that Paragraph 22 of the appeal decision for Ref. APP/H5390/W/19/3236037 stated that 'The 3 storey addition to the rear extensions would be similar to others at the rear of the terrace [...] Whilst most parts of the extensions would be clearly visible from public vantage points, both individually and cumulatively, the additions would complement the building and could be absorbed within the terrace and the wider street scene without harm'.
- 6.37 Paragraph 11 of the appeal decision for Ref. APP/H5390/W/20/3252029 re-iterated this, specifying that 'I saw at my site visit that the 3-storey addition to the rear extensions would be similar to others at the rear of the terrace. [...] To my mind, the additions would complement the building and would integrate acceptably within the terrace and the wider street scene without harm'. Officers draw attention to the fact that the current proposal is of a reduced scale, massing and design to those considered acceptable from a design/visual amenity perspective by the Planning Inspector's previous appeal decisions.
- 6.38 The council has given significant weight to the previous Planning Inspector appeal decisions referenced above (as well as the subsequent planning approval ref. 2022/03636/FUL), and subsequently, on balance the council would raise no objection on design and heritage grounds. Accordingly, the proposal would be consistent with Sections 12 and 16 of the NPPF (2023), Policy HC1 of the London Plan (2021) and Policies DC1, DC4 and DC8 of the Local Plan (2018).
- 6.39 With regard to concern regarding the proposal's impact upon the significance of Greenside Primary School (a Grade II* Listed Building), Historic England's listing states that Greenside Primary School was constructed in 1950 by Erno Goldfinger (a key architect within the modernist architectural movement) and is one of only two schools designed using Goldfinger's school building system. It is this which gives the Listed Building its significance, and the proposal would not impact upon this. Subsequently, the proposal would not be considered to impact upon the significance of this heritage asset.
- 6.40 Paragraph 12.60 of the Local Plan (2018) outlines that for the purposes of Policy DC11, a basement is considered to be a floor of a building which is partly or entirely below ground-level. Accordingly, Policy DC11 would be applicable to the proposed excavation work. The submitted drawings indicate that the rear garden is 30sqm in footprint, and that the excavation in this area would be 15sqm; ensuring that criteria (a) and (b) of Policy DC11 would be complied with.
- 6.41 As demonstrated on the proposed drawings, the proposed excavation work would be set-in from the neighbouring property boundaries, compliant with criteria (c). The proposed excavation work would consist of a single-storey, which would be consistent with criteria (d). As required by criteria (e), (f), (h), (j), (k) and (l) of Policy DC11, the applicant has submitted the following documentation: a structural support statement for groundworks prepared by a qualified structural engineer, a

Construction Environmental Management Plan and a Flood Risk Assessment and SuDS report.

- 6.42 In line with criteria (g) of Policy DC11, the planning application demonstrates that the basement excavation would retain sufficient space to sustain the growth of vegetation/planting.
- 6.43 Policy DC11 (i) of the Local Plan (2018) and Key Principles BL1 and BL3 of the Planning Guidance SPD (2018) relate to the size and design of lightwells. As depicted on the submitted drawings, a front lightwell 1.2m in depth would be proposed, to provide light to the resultant living/dining/kitchen area of Flat 1. This would be enclosed by 1.1m high black metal railing. Officers note that the proposed front lightwell would exceed the 800mm depth specified within Key Principle BL3 of the Planning Guidance SPD (2018). However, officers note that the depth proposed would match the depth of the existing front lightwells which are present along Boscombe Road, whilst the proposed metal railing would also match other examples along the street. The current design and scale of the front lightwell and its means of enclosure are therefore considered to be in keeping with the established character of the street.
- 6.44 Overall, officers consider that the proposed basement excavations would be consistent with the criteria of Policy DC11, ensuring that this element of the proposal is subservient to the character and appearance of the application property and would not result in detrimental harm to the character and appearance of the surrounding locality. Whilst acknowledged that the depth of the proposed lightwell fronting Boscombe Road would exceed the 800mm depth typically specified within Key Principles BL1 and BL3 of the Planning Guidance SPD (2018), the proposed depth is consistent with other lightwells along this street, and accordingly, the deviation from this Key Principle can be justified in this instance.

IMPACT UPON NEIGHBOURING AMENITY

- 6.45 Policy HO11 of the Local Plan (2018) specify that any proposal must be formulated to respect the principles of good neighbourliness. These policies are supported by Key Principles HS6, HS7 and HS8 of the Planning Guidance SPD (2018), which seek to protect the existing amenities of neighbouring residential properties in terms of light, outlook, noise, disturbance, overlooking or privacy.
- 6.46 No.56 Boscombe Road adjoins the northern flank boundary of the application site and contains three self-contained residential units (a maisonette at basement and ground-floor, a first-floor and a second-floor flat). Nos. 22 and 24 - 28 Goodwin Road are situated to the rear of the application site. No.30 Melina Road is situated to the southern flank boundary of the application site, with Goodwin Road running between No.30 and the application site.
- 6.47 Officers note that representations have raised concern regarding the proposal's impact upon neighbouring amenity, particularly with regard to outlook, light, privacy (particularly with regard to the proposed terrace), noise and a sense of enclosure/overbearing. These, and other material considerations, will be assessed below.

+ Outlook, light and a sense of enclosure

6.48 With regard to those occupants residing within the adjoining property No.56 Boscombe Road, neither the rear infill extension at basement and ground-floor level, nor the second-floor rear extension on top of the original back addition, would project beyond the established rear building line of the subject terrace-row. Furthermore, No.56 Boscombe Road does not contain any flank elevation windows facing the application building. Accordingly, officers consider that these elements of the proposal would not cause demonstrable harm to the amenity of No.56 Boscombe Road's occupants, with regard to outlook, light and a sense of enclosure.

6.49 The proposed mansard roof extension would form a common alignment with existing mansard roof extensions throughout the terrace. As such, it is not considered to cause undue harm to the amenity of occupants residing within No. 56 Boscombe Road.

6.50 Goodwin Road runs between No.58 Boscombe Road and No.30 Melina Road, ensuring a minimum separation of approximately 14sqm between the main flank elevations of these properties. Furthermore, site photographs and street imagery indicate that no windows are installed within the main flank wall of No.30 Melina Road. These factors are considered sufficient to mitigate against detrimental harm to the amenity of No.30's occupants, with regard to outlook, light and a sense of enclosure.

6.51 With regard to those properties to the rear of the application site, Officers note that Nos. 24 - 28 Goodwin Road contain commercial uses, and accordingly the proposal would not be considered unduly detrimental to users of this building. Meanwhile, the siting of No.22 Goodwin Road to the north-west of the application site and the distance between these would be considered sufficient to mitigate against detrimental harm to the amenity of No.22 Goodwin Road's occupants.

6.52 Key Principle HS8 of the Planning Guidance SPD (2018) outlines that planning permission will not be granted for roof terraces or balconies if their use is likely to cause harm to the existing amenities of neighbouring occupiers by reason of noise and disturbance or a harmful level of overlooking and consequent loss of privacy.

6.53 The proposed roof terraces (which are proposed to serve Flats 2 and 3) would each be less than 15sqm in footprint (7.3sqm and 5sqm, respectively). This would not exceed the guidance for terrace sizes specified within Paragraph 3.16 of the Planning Guidance SPD (2018). Accordingly, the modest footprint of the terraces is considered to limit the number of people who could occupy the terraces at any one time, mitigating against exposing surrounding occupants to harmful levels of noise, associated with usage of the terraces.

6.54 With regard to privacy, the proposed first-floor terrace would be enclosed on both sides by the original back additions of Nos. 56 and 58 Boscombe Road, and the rear extent of this proposed terrace would not project beyond the rear building line of either No. 56 or No.58 Boscombe Road. The proposed third-floor roof terrace would be enclosed by 1.1m high metal railings, which replicates the terrace screening present to the existing terrace of No.56 Boscombe, at a similar level. Accordingly, this would not be considered to harmfully exacerbate any existing

levels of overlooking. Meanwhile, the separation between the proposed terrace areas and No.30 Melina Road and Nos. 22 and 24 - 28 Goodwin Road would be considered sufficient to mitigate against detrimental harm to the amenity of these surrounding occupants, with regard to privacy.

6.55 No new views into neighbouring habitable windows would be afforded as a result of the proposed development. All rear windows would face the commercial/office building located to the rear of the site and would also achieve views out towards the Crown and Sceptre Public House. The proposed front dormer windows would not afford new views beyond what has been established by the existing front windows at second floor level. As such, officers consider that this would help mitigate against any loss of privacy to any surrounding residents beyond what is already established.

6.56 Overall, for the reasons outlined above, the proposal would be considered to mitigate against detrimental harm to the amenity of surrounding occupants, with regard to outlook, light, privacy, noise and a sense of enclosure/overbearing. In this respect, the proposal would be consistent with Policy HO11 of the Local Plan (2018) and Key Principles HS7 and HS8 of the Planning Guidance SPD (2018).

HIGHWAYS/PARKING AND REFUSE/RECYCLING

+ Highways/parking

6.57 Policy T1 of the Local Plan (2018) seeks to encourage the provision and use of public transport and bicycles, to improve congestion and air quality within the Borough.

6.58 Policy T5, Table 10.2 of the London Plan (2021) outlining the following minimum cycle parking requirements:

- 1 space per studio or 1-person, 1-bedroom dwelling;
- 1.5 spaces per 2-person, 1-bedroom dwelling;
- 2 spaces per all other dwellings

5.59 Policy T4 of the Local Plan (2018) specifies that car parking permit free measures will be required on all new development unless evidence is provided to show that there is a significant lack of public transport available.

5.60 Policy T7 of the Local Plan (2018) outlines that construction and demolition works within the borough will be required to mitigate against the impact of any additional traffic or potential disruption to the highway network. This may typically be ensured by way of a construction and/or demolition logistics plan.

5.61 The proposal would result in the net-gain of one (1) residential unit. Therefore, it is important that the newly created residential unit would not harmfully exacerbate existing levels of parking stress and congestion in the locality of the application site. The application site has a Public Transport Accessibility Level (PTAL) of 3, indicating moderate access to public transport. Paragraph 14.19 of the Local Plan (2018) states that the Council will only consider the issuing of on-street parking permits in locations where the PTAL rating is 2 or lower. Accordingly, officers

consider that a legal agreement (in the form of a unilateral undertaking) would be necessary to ensure that future occupants of the proposed residential unit at first-floor (Flat 2) would not be entitled to on-street parking permits; with the exception of blue badge holders. Subject to this, the proposal would be considered to mitigate against detrimental harm upon the highway network, with regard to parking stress and congestion, consistent with Policy T4 of the Local Plan (2018).

5.62 With regard to cycle parking, a total of 3 cycle parking spaces would be required for the two resultant units at upper floor level; 2 spaces for the second and third-floor maisonette (Flat 3) and 1 space for the first-floor studio unit (Flat 2). As depicted on the proposed plans, dedicated cycle storage provision would be provided at ground-floor level for use by occupants of Flats 2 and 3. A total of 1.5 cycle parking spaces would be required for the existing basement unit. As depicted on the proposed plans, dedicated cycle storage provision would be provided at basement level for use by occupants of Flat 1. The cycle storage would be weatherproof, secure and accessible, and is judged to be consistent with Policy T5 of the London Plan (2021). Officers recommend that a pre-occupation condition be attached to secure further details of the cycle storage enclosure.

+ Refuse/recycling

5.63 Policy CC7 of the Local Plan (2018) specifies that all developments should aim to minimise waste and should provide convenient refuse and recycling storage facilities. Enclosed refuse storage would be provided for the residential units within No.58 Boscombe Road. This is considered to be easily accessible for all residential units and in close proximity to the street kerb, so that it can be collected on collection days. Officers recommend that a pre-occupation condition be attached to secure further details of the refuse and recycling storage enclosure.

FLOOD RISK

5.64 Policy DC11 of the Local Plan (2018) outlines that new basements and extensions to existing basements must be designed to minimise the risk of flooding at the property and nearby properties from all sources of flooding. Policy CC3 of the Local Plan (2018) specifies that a site-specific flood risk assessment [FRA] will be required for the following proposals:

- All development within the Environment Agency's Flood Risk Zone 2 or 3;
- All new developments over 1 hectare in size in the Environment Agency's Flood Risk Zone 1;
- All new development in areas identified in the Council's Surface Water Management Plan (SWMP) as being susceptible to surface water flooding - i.e. those located in a flooding hotspot;
- All new development which involves a subterranean element in areas identified in the Council's SWMP as being at risk from elevated groundwater levels.

- 5.65 Policy CC4 of the Local Plan (2018) outlines that all proposals for new development must manage surface water run-off as close to its source as possible, in line with the London Plan drainage hierarchy.
- 5.66 The application site lies within the Environment Agency's Flood Risk Zones 2 and 3 and includes works associated with the enlargement of the existing basement level residential unit (the lowering of the finished floor level of this unit and the erection of a two-storey infill extension). Officers recognise that the representations received have raised concern regarding the proposal's potential impact upon flood risk. A Flood Risk Assessment and SuDs Report (Ref. 4721/2023 REV D, dated 05.01.2024) prepared by EAS was submitted as part of the application.
- 5.67 The FRA provides details regarding the water-proofing measures of the lower ground level, which includes a water-proof slurry on which a cavity drain membrane would sit and solid concrete or engineered brick walls to provide the proposed lightwells with a permanent barrier against surface water flooding. Paragraphs 5.13 - 5.29 of the FRA includes information on the types of flood resilience measures which are to be considered for inclusion. To mitigate against the potential risk of sewer flooding, the proposal would include the installation of a pumped foul connection from the basement to the Thames Water foul water sewer to a final gravity chamber in the rear garden; to account for the lowering of the basement floor level and to prevent the public sewer flooding the basement in the event it surcharged. Furthermore, a separate sump pump is to be installed in the basement to drain any flood water in the event of a flood.
- 5.68 The Council's Environmental Policy (Flood Risk) team have reviewed the submitted FRA and have raised no objection to the flood mitigation measures included, and accordingly, officers recommend inclusion of a compliance condition, requiring that the measures within the FRA are adhered to.
- 5.69 With regard to Sustainable Urban Drainage (SuDs), Paragraph 6.8 of the FRA specifies that a sedum green roof is proposed to the bin store and bike store. Officers raise no objection in principle to this, and recommend a condition requiring details of the manufacturer specification and maintenance schedule of the sedum green roof to be submitted to the local planning authority for approval, prior to the installation of the bike and cycle storage.
- 5.70 Overall, officers consider that the submitted FRA is sufficiently detailed to demonstrate compliance with Policies CC3 and CC4 of the Local Plan (2018).

LAND CONTAMINATION

- 5.71 Policy CC9 of the Local Plan (2018) specifies that when development is proposed on or near a site that is known to be, or there is good reason to believe may be, contaminated, or where a sensitive use is proposed, an applicant should carry out a site assessment and submit a report of the findings in order to establish the nature and extent of the contamination.

5.72 A Phase I Geo-Environmental Desk Study (Ref. R3273/23/DTS, dated October 2023) prepared by Earth Environmental & GeoTechnical was submitted as part of the application. The Council's Land Contamination team were consulted on the proposal, and following review of this document, it was not considered to be sufficient to avoid the need for the Council's six (6) standard land contamination conditions, including pre-commencement conditions relating to a preliminary risk assessment and a site investigation scheme. The applicant has therefore agreed in writing to these conditions. Accordingly, officers raise no objection with regard to Policy CC9 of the Local Plan (2018).

AIR QUALITY

5.73 Policy CC10 of the Local Plan (2018) specifies that the council will seek to reduce the potential adverse air quality impacts of new development. Notably, where a proposal has potential to result in occupants being affected by poor air quality, mitigation measures will be required to mitigate against this.

5.74 A borough wide Air Quality Management Area is in place within Hammersmith & Fulham. The Council's Environmental Quality (Air Quality) team were consulted on the proposal. They have raised no objection to the proposal, subject to a pre-occupation condition requiring details (including installation/commissioning certificates) of the zero emission MCS certified electric boiler(s) for the supply of space heating and hot water to be submitted to, and approved in writing by, the Local Planning Authority. Subject to this condition, officers raise no objection with regard to Policy CC10 of the Local Plan (2018).

FIRE SAFETY

5.75 In the interests of fire safety and to ensure the safety of all building users, Policy D12 of the London Plan (2021) states that 'all development proposals must achieve the highest standards of fire safety'.

5.76 Paragraph 3.12.2 of the London Plan (2021) specifies that the matter of fire safety compliance is covered by Part B of the Building Regulations. However, to ensure that proposals achieve the highest standards of fire safety, reducing risk to life, minimising the risk of fire spread, and providing suitable and convenient means of escape which all building users can have confidence in, applicants should consider issues of fire safety before building control application stage.

5.77 A 'Fire Statement - Reasonable Exception Statement' has been submitted as part of the application, indicating that a fire statement in accordance with Policy D12 Part B of the London Plan (2021) is not applicable. This document nevertheless includes details regarding how the proposal has given consideration to the criteria of Policy D12 Part A, 1 - 6 of the London Plan (2021). Given the nature of the proposal, officers are satisfied that this document outlines how consideration has been given to Policy D12, Part A.

6.0 CONCLUSION

- 6.1 In considering planning applications, the Local Planning Authority needs to consider the development plan as a whole and planning applications that accord with the development plan should be approved without delay, unless material considerations indicate otherwise and any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 6.2 In summary, the proposed development would result in the net-gain of one (1) residential unit, contributing towards the Borough's housing targets, whilst retaining a two-bedroom unit at upper-floor level. Furthermore, the proposal would also result in the notable improvement to the standard of accommodation to the existing basement flat (Flat 1) with regard to outlook, finished floor to ceiling height, the provision of light to habitable rooms and amenity space. Officers consider that this can be achieved without having an unacceptable impact on the amenity of surrounding occupants, and without harm to the character and appearance of the parent building or the surrounding area.
- 6.3 Officers have taken account of all the representations received and in overall conclusion for the reasons detailed in this report, it is considered having regard to the development plan as a whole and all other material considerations that planning permission should be granted subject to conditions.

7.0 RECOMMENDATION

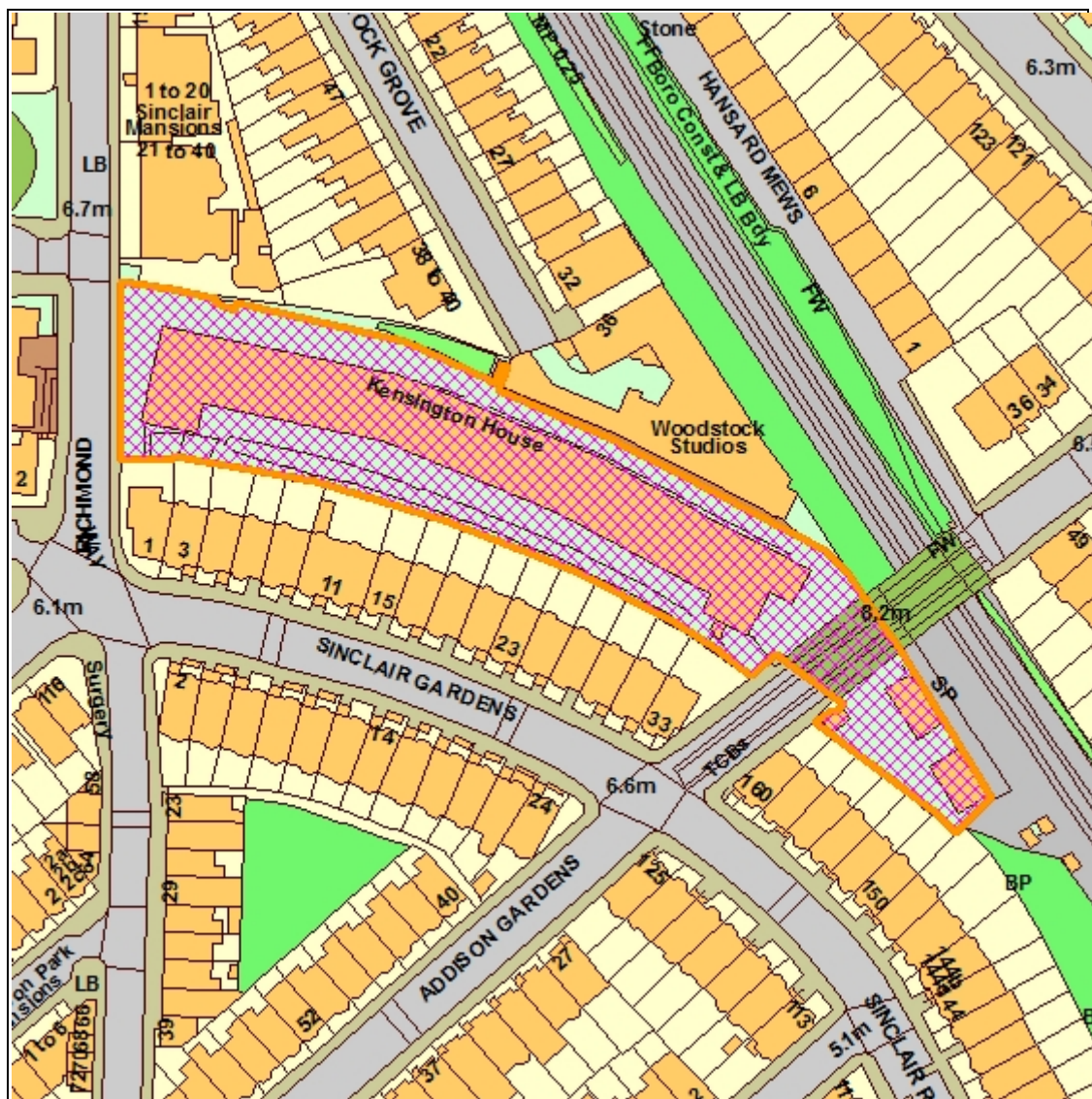
- 7.1 Grant consent, subject to conditions and a Unilateral Undertaking.

Agenda Item 5

Ward: Addison

Site Address:

K West Hotel Richmond Way London W14 0AX



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For identification purposes only - do not scale.

Reg. No:
2023/02260/FUL

Case Officer:
Sian Brown

Date Valid:
30.08.2023

Conservation Area:

Committee Date:
16.04.2024

Applicant:

Florian Broemel

Richmond Way Hammersmith and Fulham London W14 0AX

Description:

Internal and external refurbishment of existing hotel to provide 231 bedrooms and associated front of house and back of house accommodation; replacement of all existing uPVC windows with new fixed glazed PPC aluminium framed windows incorporating ventilation louvres; replacement of existing curtain walling to the lower part of the western elevation; replacement of full height glazing to levels 5 and 6 of western elevation; replacement of existing render to the gables with coloured render to the northern and southern elevations; brickwork and exposed concrete frame repaired, with the concrete frame repainted; flat roof coverings replaced; installation of boundary fencing; erection of bin store; erection of substations and plantrooms, and alterations to the existing plant room outbuildings to eastern elevation of the site; removal of brick plant enclosures on roof and installation of rooftop plant with acoustic louvre enclosures at roof level; installation of PV panels across flat roof areas; upgrading of garden areas to south, including provision of direct access from level 01 accommodation and spa and gym; installation of planters along Richmond Way street edge. General soft landscaping maintenance and improvements in existing planted areas (Revised description and submission of revised documents).

Drg Nos: See Condition 2.

Application Type:

Full Detailed Planning Application

Officer Recommendation:

- 1) That the Committee resolve, that the Director of Planning and Property be authorised to grant planning permission upon the completion of a satisfactory legal agreement and subject to the conditions listed below.
- 2) That the Committee resolve that the Director of Planning and Property, after consultation with the Assistant Director of Legal Services and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed Heads of Terms of the legal agreement or proposed conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

Conditions:

- 1) The development hereby permitted shall not commence later than the expiration of 3 years beginning with the date of this planning permission.

Condition required to be imposed by section 91(1)(a) of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

2) The development shall be carried out and completed in accordance with the following approved drawings:

+ Proposed site plan:

20004-MOS-KW-XX-DR-A-01120 Rev 05

+ Proposed floor plans and roof plans:

20004-MOS-KW-01-DR-A-10110 Rev 05

20004-MOS-KW-01-DR-A-10111 Rev 05

20004-MOS-KW-02-DR-A-10120 Rev 05

20004-MOS-KW-02-DR-A-10121 Rev 05

20004-MOS-KW-03-DR-A-10130 Rev 05

20004-MOS-KW-03-DR-A-10131 Rev 05

20004-MOS-KW-04-DR-A-10140 Rev 05

20004-MOS-KW-04-DR-A-10141 Rev 05

20004-MOS-KW-05-DR-A-10150 Rev 05

20004-MOS-KW-05-DR-A-10151 Rev 05

20004-MOS-KW-06-DR-A-10160 Rev 05

20004-MOS-KW-06-DR-A-10161 Rev 05

20004-MOS-KW-07-DR-A-10170 Rev 05

20004-MOS-KW-07-DR-A-10171 Rev 05

20004-MOS-KW-08-DR-A-10180 Rev 05

20004-MOS-KW-08-DR-A-10181 Rev 05

+ Proposed elevations:

20004-MOS-KW-ZZ-DR-A-10201 Rev 02

20004-MOS-KW-ZZ-DR-A-10202 Rev 02

20004-MOS-KW-ZZ-DR-A-10203 Rev 02

20004-MOS-KW-ZZ-DR-A-10204 Rev 02

20004-MOS-KW-ZZ-DR-A-10205 Rev 02

20004-MOS-KW-ZZ-DR-A-10206 Rev 02

20004-MOS-KW-ZZ-DR-A-10207 Rev 02

20004-MOS-KW-ZZ-DR-A-10208 Rev 02

20004-MOS-KW-ZZ-DR-A-10209 Rev 02

20004-MOS-KW-ZZ-DR-A-10220 Rev 02

+ Proposed sections:

20004-MOS-KW-ZZ-DR-A-10301

20004-MOS-KW-ZZ-DR-A-10302

20004-MOS-KW-ZZ-DR-A-10303

20004-MOS-KW-ZZ-DR-A-10304

20004-MOS-KW-ZZ-DR-A-10305

20004-MOS-KW-ZZ-DR-A-10306 Rev 05

20004-MOS-KW-ZZ-DR-A-10307 Rev 05

20004-MOS-KW-ZZ-DR-A-10308

20004-MOS-KW-ZZ-DR-A-10309

+ External Works:

20004-MOS-KW-ZZ-DR-A-90101 Rev 03
20004-MOS-KW-ZZ-DR-A-90102 Rev 03
20004-MOS-KW-ZZ-DR-A-90103 Rev 03
20004-MOS-KW-ZZ-DR-A-90104 Rev 03
20004-MOS-KW-ZZ-DR-A-90501
20004-MOS-KW-ZZ-DR-A-90502
20004-MOS-KW-ZZ-DR-A-90520
20004-MOS-KW-ZZ-DR-A-90521
20004-MOS-KW-ZZ-DR-A-90900
20004-MOS-KW-ZZ-DR-A-90901
20004-MOS-KW-ZZ-DR-A-90903 Rev 02
20004-MOS-KW-ZZ-DR-A-90904 Rev 02
20004-MOS-KW-ZZ-DR-A-90510 Rev 01
658.01.12b

+ Approved documents:

- o Tree Survey, Arboricultural Impact Assessment Arboricultural Method Statement & Tree Protection Plan, prepared by Heydens Arboricultural Consultants, dated 07/11/2023, Rev A.
- o Operational Management Plan, Version 4, dated January 2024 (received 26th March 2024).
- o Sustainability Statement, Ref.6356-CBC-HM-RP-S-001-P07, Revision 007, dated 04/04/2024, prepared by Cudd Bentley Consulting Ltd.
- o Energy Statement, Ref.6356-CBC-JS-RP-S-002-P06, Revision 006, dated 15/01/2024, prepared by Cudd Bentley Consulting Ltd.
- o SuDS Statement dated 3 April 2024, prepared by Civic Engineers.

In order to ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with Policies DC1, DC4, and DC8 of the Local Plan (2018).

- 3) Any alterations to the elevations of the existing building, including works of making good, shall be carried out in the same materials as the existing elevation to which the alterations relate.

To ensure a satisfactory external appearance, in accordance with Policies DC1, DC4 and DC8 of the Local Plan (2018).

- 4) The hotel hereby approved, shall contain a maximum of 231 bedrooms. The number of lettable rooms shall not increase without the written approval of the council.

In granting this permission, the Council has had regard to the particular circumstances of the case. An increase in the number of bedrooms could raise materially different planning considerations and the council wishes to have an opportunity to consider such circumstances at that time, in accordance with

Policies T1, E3, DC1, DC4, CC10, CC11, CC11, CC12 and CC13 of the Local Plan (2018).

- 5) Notwithstanding the submitted details, within one month of the date of this decision, a final Construction Logistics Plan (CLP) in accordance with Transport for London Guidance shall have been submitted to and approved in writing by the Local Planning Authority. The CLP should cover the following minimum requirements: site logistics and operations; construction vehicle routing; contact details for site managers and details of management lines of reporting; location of site offices, ancillary buildings, plant, wheel-washing facilities, stacking bays and parking; storage of any skips, oil and chemical storage etc.; access and egress points and; membership of the Considerate Contractors Scheme; as well a clear description of how the site will discourage the use of private transport by personnel employed in its construction. The approved details shall be undertaken in accordance with the terms and throughout the period set out in the CLP.

To ensure that appropriate steps are taken to limit the impact of the proposed construction works on the operation of the public highway, in accordance with Policy T7 of the London Plan (2021) and T1, T6 and T7 of the Local Plan (2018).

- 6) Within one month of the date of this decision, details of all new external materials to be used in the development including facing materials, fenestration, glazing, cladding, railings, roofing materials and hard landscaping shall be submitted to, and approved in writing by, the Council. The development shall be carried out in accordance with the approved details; and permanently retained as such.

To ensure a satisfactory external appearance of the development, in accordance with Policies D3 and HC1 of the London Plan (2021), Policies DC1, DC4 and DC6 of the Local Plan (2018).

- 7) Within one month of the date of this decision, details in plan, section and elevation (at a scale of not less than 1:20) of the following matters have been submitted to and approved in writing by the Council. The development shall be carried out in accordance with the approved details; and permanently retained as such.

- a) rooftop plant
- b) acoustic plantroom enclosures
- c) PV panels

To ensure a satisfactory external appearance of the development, in accordance with Policies D3 and HC1 of the London Plan (2021), and Policies DC1, DC4 and DC6 of the Local Plan (2018).

- 8) The approved soft landscaping (drawing 658.01.12b) shall be planted within the first planting season following first occupation and shall be permanently retained in this form. Any trees, shrubs or planting associated with the soft landscape details that is removed, or seriously damaged, dying, or diseased within five years of the date of planting shall be replaced in the next planting season with a similar size and species to that originally required to be planted.

To ensure a satisfactory external appearance of the development, and in the interests of urban greening and local biodiversity, in accordance with Policies D3 and G7 of the London Plan (2021), and Policies DC1, DC4, OS1 and OS5 of the Local Plan (2018).

- 9) The development hereby approved shall be implemented only in accordance with the Tree Survey, Arboricultural Impact Assessment Arboricultural Method Statement & Tree Protection Plan, prepared by Heydens Arboricultural Consultants, dated 07/11/2023, Rev A. No roots exceeding 25mm shall be severed, and those below 25mm shall be cut with clean, sharp tools. These measures should apply to any tree on site, and any trees adjacent to the site whose theoretical Root Protection Areas extend into the site.

To ensure that trees within and around the site to be retained are protected during the building works, in accordance with Policies G5 and G7 of the London Plan (2021), and Policies DC1, DC4, OS1 and OS5 of the Local Plan (2018).

- 10) No alterations shall be carried out to the external appearance of the building hereby permitted, including the installation of air-conditioning units, ventilation fans, extraction equipment, flues or other plant equipment and associated external pipework or ducting not shown on the approved drawings, without planning permission first being obtained. Any such changes shall be carried out in accordance with the approved details.

To ensure a satisfactory external appearance and to prevent harm to the amenities of the occupiers of neighbouring residential properties, in accordance with Policies DC1, DC4, DC8, CC11, CC13 and HO11 of the Local Plan (2018), and Key Principles of the Planning Guidance SPD (2018).

- 11) Notwithstanding the details shown on the plans hereby approved, no advertisements shall be installed on the building hereby permitted without the prior written approval of the Council.

To ensure a satisfactory external appearance of the development in accordance with Policies DC1, DC4, DC8 and DC9 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no aerials, antennae, satellite dishes or related telecommunications equipment shall be erected on any external part of the approved building, without planning permission first being obtained.

In order to ensure that the Council can fully consider the effect of telecommunications equipment upon the character and appearance of the building and its setting, in accordance with Policies DC1, DC4 and DC8 of the Local Plan (2018).

- 13) No water tanks, water tank enclosures or other structures, other than those set out on the approved drawings, shall be erected upon the roofs of the building hereby permitted.

It is considered that such structures would seriously detract from the appearance of the building, contrary to Policies DC1, DC4 and DC8 of the Local Plan (2018).

- 14) No plumbing, extract flues or pipes other than rainwater pipes shall be fixed on the front, rear or side elevations of the building hereby approved.

To ensure a satisfactory external appearance of the development, and to preserve the character and appearance of the Conservation Area and nearby heritage assets in accordance with Policies DC1, DC4 and DC8 of the Local Plan (2018).

- 15) No less than 15% of the new (12) hotel bedrooms hereby approved shall be accessible rooms in accordance with the requirements of 19.2.1.2 of British Standard BS8300-2:2018 Design of an accessible and inclusive built environment, Buildings, Code of practice (or any such subsequent version of this guidance). The hotel bedrooms shall thereafter be permanently retained in this arrangement. No less than 11 of the existing wheelchair accessible rooms will be upgraded to meet the current to British Standard BS8300-2:2018 Design of an accessible and inclusive built environment, Buildings, Code of practice (or any such subsequent version of this guidance).

The hotel bedrooms shall thereafter be permanently retained in this arrangement.

To ensure the provision and retention of facilities for all, including disabled people, in accordance with Policies D5 and E10 of the London Plan (2021), and Policy E3 of the Local Plan (2018).

- 16) Within one month of the date of this decision, a statement of how 'Secured by Design' requirements are to be adequately achieved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out prior to occupation or use of the development hereby approved and permanently retained thereafter.

To ensure that the development incorporates suitable design measures to minimise opportunities for, and the perception of crime and provide a safe and secure environment, in accordance with Policy D11 of the London Plan (2021), and Policy DC1 of the Local Plan (2018).

- 17) Prior to occupation of the development hereby approved blinds shall be installed to all hotel bedrooms. The blinds shall thereafter be permanently retained.

To safeguard the privacy of adjoining residential occupiers, in accordance with Policies DC1, DC4 and HO11 of the Local Plan (2018), and Key Principle H7 of the Supplementary Planning Guidance SPD (2018).

- 18) The use of the development hereby approved shall be carried out and operated in accordance with the Operational Management Plan, Version 4, dated January 2024 (received 26th March 2024) submitted with the application.

In particular:

- o The use of the hotel bar shall not be open other than between the hours of 10:00 to 02:00 Monday to Saturday and 10:00 to 01:00 Sunday.
- o The use of the hotel restaurant shall not be open other than between the hours of 06:30 and 23:00 Monday to Sunday.
- o The spa garden and gym gardens as indicated on the approved plans shall only be used between the hours of 08:00 to 20:00 Monday to Sunday, and shall not be used at any other time. All external doors providing access to these areas, and the adjoining 6no. guest bedrooms shall be self-closing and no music (either acoustic or amplified) shall be played at any time on any of the outside areas.

To ensure that occupiers of surrounding premises are not adversely affected by noise and disturbance from the operation of the hotel, activities or people at or leaving the site, in accordance with Policy D14 of the London Plan (2021), and Policies TLC5, CC11 and CC13 of the Local Plan (2018).

- 19) Other than the external areas associated with the spa/gym/6no. guest bedrooms explicitly identified on the plans, no other part of any land within the curtilage of the application site or part of any roof of the main building or new buildings hereby approved shall be used as a roof terrace or other form of open amenity space. No alterations shall be carried out; nor planters or other chattels placed on the roofs/within the curtilage of the application site. No railings or other means of enclosure shall be erected on the roofs/within the curtilage of the application site, and no alterations shall be carried out to any elevation of the application building to form access onto the roofs/within the curtilage of the application site.

The use of the roof as a terrace or the provision of additional amenity space would increase the likelihood of harm to the existing residential amenities of the occupiers of neighbouring properties as a result of overlooking, loss of privacy and noise and disturbance, contrary to Policies HO11, CC11 and DC4 of the Local Plan (2018), and SPD Policy HS8 of the Planning Guidance Supplementary Planning Document (2018).

- 20) No outdoor seating associated with the use hereby approved shall be placed on any part of the re-landscaped forecourt area to the front of the building. No tables or chairs shall be made available for customers externally in this location, including moveable furniture.

To ensure that the use does not give rise to conditions which would be detrimental to the amenities of surrounding occupiers by reason of noise and disturbance occasioned by the use of this area, in compliance with Policies CC11 and CC13 of the Local Plan (2018).

- 21) The development hereby approved shall not be occupied until the measures set out in the approved Sustainability Statement, Ref.6356-CBC-HM-RP-S-001-P07, Revision 007, dated 04/04/2024 prepared by Cudd Bentley Consulting Ltd. have been fully implemented on site and they shall be permanently retained thereafter.

In the interests of energy conservation, reduction of CO2 emissions and wider sustainability, in accordance with Policies SI2, SI3 and SI4 of the London Plan (2021) and Policies CC1, CC2 and CC7 of the Local Plan (2018).

- 22) The development hereby approved shall not be occupied until the measures set out in the approved Energy Statement, Ref.6356-CBC-JS-RP-S-002-P06, Revision 006, dated 15/01/2024, prepared by Cudd Bentley Consulting Ltd. have been fully implemented on site and they shall be permanently retained thereafter.

In the interests of energy conservation and reduction of CO2 emissions, in accordance with Policies SI2 and SI4 of the London Plan (2021), and Policies CC1 and CC2 of the Local Plan (2018).

- 23) The development hereby approved shall not be occupied until the measures set out in the approved SuDS Statement dated 3 April 2024, prepared by Civic Engineers, have been fully implemented on site and they shall be permanently retained thereafter.

To ensure the satisfactory storage of/disposal of surface water from the site in accordance with Policy SI13 of the London Plan (2021), and Policies CC2 and CC4 of the Local Plan (2018).

- 24) The external sound level emitted from plant, machinery or equipment at the development shall be lower than the lowest existing background sound level by at least 10dBA in order to prevent any adverse impact. The assessment shall be made in accordance with BS4142:2014+A1:2019 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity.

A post installation noise assessment shall be carried out where required to confirm compliance with the sound criteria and additional steps to mitigate noise shall be taken, as necessary. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from plant/mechanical installations/ equipment, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

- 25) Prior to use, machinery, plant or equipment, extract/ventilation system and ducting at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by vibration, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

- 26) Noise from uses and activities within the building/ development site shall not exceed the criteria of BS8233:2014 at neighbouring noise sensitive/ habitable rooms and private external amenity spaces.

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

- 27) No deliveries nor collections/ loading nor unloading shall occur at the development hereby approved other than between the hours of 07:00 to 18:00 on Monday to Friday, 08:00 to 18:00 on Saturdays and at no time on Sundays and Public/Bank Holidays.

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

- 28) No removal of refuse nor bottles / cans to external bins or areas at the development shall be carried out other than between the hours of 08:00 to 20:00 on Monday to Friday and 10:00 to 18:00 on Saturdays and at no time on Sundays and Public/Bank Holidays.

To ensure that the amenity of occupiers of the development site / surrounding premises is not adversely affected by noise, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

- 29) Prior to commencement of the relevant part of the development hereby permitted, details of external artificial lighting shall be submitted to and approved in writing by the Council. Lighting contours shall be submitted to demonstrate that the vertical illumination of neighbouring premises is in accordance with the recommendations of the Institution of Lighting Professionals in the "Guidance Note 01/21: Guidance Notes for the Reduction of Obtrusive Light". Details should also be submitted for approval of measures to minimise use of lighting and prevent glare and sky glow by correctly using, locating, aiming and shielding luminaires. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

To ensure a satisfactory external appearance of the development, and to ensure that the amenity of occupiers of surrounding premises is not adversely affected by lighting, in accordance with Policies DC1, DC4, DC8, CC12 and CC13 of the Local Plan (2018).

- 30) No organised delivery of food (i.e. takeaway deliveries to customers) shall take place from the commercial premises hereby approved using motorised and electric powered cycles and motorised and electric powered vehicles at any time.

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise, or that the development does not impact highway safety in accordance with Policies CC11, CC13, DC1, DC2, HO11, T1, T6 and TLC5 of the Local Plan (2018), and Key Principles of the Planning Guidance SPD (2018).

- 31) Prior to occupation of the development hereby permitted, a final Delivery and Servicing Plan (DSP) shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the management and times of deliveries to avoid peak times, emergency access, collection of waste and recyclables, times and frequencies of deliveries and collections, silent reversing methods, quiet loading/unloading measures, location of loading bays and vehicle movements. The approved details shall be implemented prior to occupation and the DSP hereby permitted shall thereafter operate in accordance with the approved details. The DSP shall be regularly monitored and reviewed and any subsequent modifications or alterations to the DSP should be submitted to and approved in writing by the LPA.

To ensure that satisfactory provision is made for refuse storage and collection and that servicing activities do not adversely impact on the highway, in accordance with Policy T7 of the London Plan (2021), and Policy T2 of the Local Plan (2018).

- 32) The reconfigured car/coach park hereby approved shall not be used or occupied until a Car and Coach Parking Operational Management Plan has been submitted to and approved in writing by the Council. The details shall include management and allocation of spaces between the various users; controls and method of access, including arrangements for when coaches need to access the turning space to the rear of the site to ensure all coaches leave the site in forward gear. The Car and Coach Parking Operational Management Plan should also include details of the concierge/valet service for users of the Blue Badge bay wishing to charge their vehicle; and a mechanism to ensure that the supply and demand of Blue Badge bays for disabled visitors and staff is regularly monitored and provision is reviewed if required. The development shall proceed in accordance with the details as approved and the details shall be maintained as such thereafter. The total number of car parking spaces shall not exceed 24 spaces.

To ensure appropriate levels, mix and location of parking is achieved and that management arrangements are in place to control its allocation and use, in the interests of protecting the amenities of surrounding occupiers and the amenity of the highway, in accordance with Policies CC13, T4, T5 and T6 of the Local Plan (2018).

- 33) No part of the development hereby approved shall be occupied until provision has been made for car parking for disabled users in the form of 1 Blue Badge-holder space as indicated on the approved drawing no. 20004-MOS-KW-XX-DR-A-01120 Rev 05. Thereafter the provision for Blue Badge parking shall be permanently maintained in this form for the lifetime of the development.

To ensure that the development is accessible, in accordance with Policy T6 of the London Plan (2021), and Policies T4 and T5 of the Local Plan (2018).

- 34) Prior to occupation of the development hereby permitted details of safe, secure and accessible bicycle storage, for both the hotel guests and staff, shall be submitted to, and approved in writing by the Council. The cycle parking facilities should be in accordance with London Cycling Design Standards (LCDS), and should also include facilities for cargo bikes. The bicycle storage facilities shall be implemented as approved prior to the occupation of the hotel, and shall thereafter be permanently retained for such use.

To ensure satisfactory provision for the bicycle and thereby promote sustainable and active modes of transport, in accordance with Policy T5 London Plan (2021), and Policy T3 of the Local Plan (2018).

- 35) No part of the development hereby approved shall be occupied or used until the refuse storage, including provision for the storage of recyclable materials, have been implemented in accordance with the details provided on the approved plans. Thereafter the provision for cycle storage shall be so maintained for the life of the development.

To ensure satisfactory provision for the storage of refuse and recycling on site, and thereby prevent it being stored on the highway, in accordance with Policy CC7 of the Local Plan (2018).

- 36) Within one month of the date of this decision, a Ventilation Strategy Report to mitigate the impact of existing poor air quality for the Hotel (Use Class C1) shall be submitted to and approved in writing by the Local Planning Authority. This is applicable to all hotel accommodation and Gym use floors where the Councils 2030 Annual Mean Air Quality Targets for Nitrogen Dioxide (NO₂) - 20ug/m³ , Particulate (PM₁₀) -20ug/m³ and Particulate (PM_{2.5}) - 10 ug/m³ are exceeded and where current and future predicted pollutant concentrations are within 5% of these limits. The report shall include the following information:

- a. Details and locations of the ventilation intake locations at rear roof level or on the rear elevations of each floor
- b. Details and locations of restricted opening windows (maximum 200mm for emergency purge ventilation only) for all habitable hotel accommodation rooms on all floors.
- c. Details and locations of ventilation extracts, to demonstrate that they are located a minimum of 2 metres away from the air ventilation intakes on all floors, to minimise the potential for the recirculation of extract air through the supply air ventilation intake in accordance with paragraph 8.9 part 'C' of Building Standards,

Supporting Guidance, Domestic Ventilation, 2nd Edition, The Scottish Government, 2017

d. Details of the independently tested mechanical ventilation system with Nitrogen Dioxide (NO₂) and Particulate Matter (PM_{2.5}, PM₁₀) filtration with air intakes on the rear elevation to remove airborne pollutants. The filtration system shall have a minimum efficiency of 90% in the removal of Nitrogen Oxides/Dioxides, Particulate Matter (PM_{2.5}, PM₁₀) in accordance with BS EN ISO 10121-1:2014 and BS EN ISO 16890:2016.

The whole system shall be designed to prevent summer overheating and minimise energy usage. The maintenance and cleaning of the systems shall be undertaken regularly in accordance with manufacturer specifications and shall be the responsibility of the primary owner of the property. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interests of air quality, in accordance with Policy SI1 of the London Plan (2021) and Policy CC10 of the Local Plan (2018).

- 37) Prior to occupation the development hereby permitted, details of a post installation compliance report of the approved ventilation strategy as required by condition 36 to mitigate the impact of existing poor air quality shall be submitted to and approved in writing by the Local Planning Authority. The report shall be produced by an accredited Chartered Building Surveyor (MRICS). Approved details shall be fully implemented prior to the occupation of the development and thereafter permanently retained and maintained.

In the interests of air quality, in accordance with Policy SI1 of the London Plan (2021) and Policy CC10 of the Local Plan (2018).

- 38) Prior to occupation of the development hereby permitted, the installation/commissioning certificates of the installed electric induction stoves in the kitchens of the Hotel (Use Class C1) shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interests of air quality, in accordance with Policy SI1 of the London Plan (2021) and Policy CC10 of the Local Plan (2018).

- 39) Prior to occupation of the development hereby permitted, details of the installation including the number, location and type of active electric vehicle charging points for the off-street car parking spaces (minimum 22 kW) and both coach parking bays (minimum 100 kW) shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interests of air quality, in accordance with Policies T6 and SI1 of the London Plan (2021) and Policy CC10 of the Local Plan (2018).

- 39) Prior to occupation of the development hereby permitted, details of the installation/commissioning reports of the Zero Emission MCS certified Air Source Heat Pumps or Electric boilers to be provided for space heating and hot water for the Hotel (Use Class C1) shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interests of air quality, in accordance with Policy SI1 of the London Plan (2021) and Policy CC10 of the Local Plan (2018).

- 40) Prior to occupation of the development hereby permitted, details of the installation/commissioning report of Zero Emission Emergency Generator plant shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interests of air quality, in accordance with Policy SI1 of the London Plan (2021) and Policy CC10 of the Local Plan (2018).

- 41) Prior to occupation of the development hereby permitted, details of the installation/commissioning reports of the Commercial Waste Heat Exchanger Recovery System for the Hotel Restaurant Extraction System (Class C1) shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interests of air quality, in accordance with Policy SI1 of the London Plan (2021) and Policy CC10 of the Local Plan (2018).

- 42) Prior to occupation of the development hereby permitted, details of the installation/commissioning of Aerobic Food Digesters (AFD) for the Hotel use (Class C1) to mitigate the impact of air pollution from vehicles associated with the removal of food waste shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interests of air quality, in accordance with Policy SI1 of the London Plan (2021) and Policy CC10 of the Local Plan (2018).

- 43) Prior to occupation of the development hereby permitted, an Ultra Low Emission Strategy (ULES) shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:
- a. Procurement policy and processes for contractors and suppliers that will incentivise and prioritise the use of Zero Exhaust Emission Vehicles in accordance with the emission hierarchy of 1) Walking Freight Trolley 2) Cargo bike (3) Electric Vehicle
 - b. Use of Zero Exhaust Emission Vehicles in accordance with the emissions hierarchy (1) Walking Freight Trolleys (2) Cargo bike (3) Electric Vehicle,
 - c. Facilities and measures that will minimise the impact of vehicle emissions from increasing personal deliveries e.g., carrier agnostic parcel locker, concierge, Cargo bike bays etc.
 - d. Reduction and consolidation of deliveries and collections e.g., Waste
 - e. Re-timing of deliveries and collections outside of peak traffic time periods of 07:00-10:00 and 15:00-19:00 hrs
 - f. Installation including location and type of active electric vehicle charging points (minimum 100 kW) for all on-site loading/servicing bays.

The ULES shall be monitored and reviewed on an annual basis and any subsequent modifications or alterations to the ULES should be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation and the ULES hereby permitted shall thereafter operate in accordance with the approved details.

In the interests of air quality, in accordance with Policy SI1 of the London Plan (2021) and Policy CC10 of the Local Plan (2018).

- 44) No development shall be occupied until confirmation has been provided that either:-
- 1. Foul water Capacity exists off site to serve the development, or
 - 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan; or
 - 3. All Foul water network upgrades required to accommodate the additional flows from the development have been completed.

Condition requested by Thames Water as Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at [Thameswater.co.uk/preplanning](https://www.thameswater.co.uk/preplanning).

45) No development shall be occupied until confirmation has been provided that either:-

1. Surface water capacity exists off site to serve the development or
2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan; Or
3. All Surface water network upgrades required to accommodate the additional flows from the development have been completed.

Condition requested by Thames Water as Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at [thameswater.co.uk/preplanning](https://www.thameswater.co.uk/preplanning).

Justification for Approving the Application:

- 1) 1. Land Use: The refurbishment of this existing large hotel within the Shepherds Bush Town Centre is considered acceptable in land use terms. As well as increasing and enhancing London's visitor economy the site would continue to provide employment opportunities and would support the viability of the Shepherd's Bush Town Centre. The proposal is judged to accord with the NPPF (2023), London Plan (2021) Policy E10, and Local Plan (2018) Policy E3.
2. Design and Heritage: The proposals are considered to be of a good quality of design having regard to the character and appearance of the existing site and surrounding area. The proposals would also not result in any harm to the character or appearance of the neighbouring Lake/Sinclair/Blythe Conservation Area. The proposal therefore accords with the NPPF (2023), London Plan (2021) Policies HC1 and D3, and Local Plan (2018) Policies DC1, DC4 and DC8.
3. Impact on Neighbouring Residents: The development is considered to respect the principles of good neighbourliness in relation to the on-site characteristics. The impacts on outlook, overlooking and sunlight/daylight are considered to be acceptable. Measures would be secured by conditions to minimise noise/odours/light pollution generated by the use/operation of the premises. The proposed development therefore accords with the NPPF (2023), London Plan (2021) Policies D14, Local Plan (2018) Policies DC1, DC4, HO11, CC11, CC12 and CC13, and Key Principles of the Planning Guidance SPD (2018).
4. Safety and Access: The development would provide a safe and secure environment for all users in accordance with London Plan (2021) Policy D11, and Local Plan (2018) Policies DC1 and DC4. Inclusive access has been considered. The proposal would provide ease of access for all people, including disabled people, in accordance with London Plan (2021) Policy D5, and Local Plan (2018) Policies DC1 and DC4.

5. Highways and Transportation: It is considered that the scheme would not have a significant impact on the highway network or local parking conditions and is thus considered to be acceptable. The application is supported by highways/transport documents. More detailed documents would be secured by condition. Subject to a satisfactory legal agreement it is considered that the development would not contribute to on-street parking stress or significant disruption to traffic flows. Conditions will ensure satisfactory provision would be made for cycle parking, blue badge parking, and EV Charging points. External impacts of the development would be controlled by conditions related to servicing and deliveries, and car and coach parking, while works to the highway will improve pedestrian and cyclist comfort and will be secured by a s106 agreement. The proposed development therefore accords with the NPPF (2023), London Plan (2021) Policies T1-T7, Local Plan (2018) Policies T1, T2, T3, T4, T7 and CC7, and relevant Key Principles of the Planning Guidance SPD (2018).
6. Flood Risk and SUDS: A SUDS assessment has been submitted as required. In this respect the proposal is therefore in accordance with the NPPF (2023), London Plan (2021) Policies SI 12 and SI 13, and Local Plan (2018) Policies CC2, CC3 and CC4.
7. Energy and Sustainability: An Energy Statement has been submitted outlining the energy efficiency and low/zero carbon measures to be implemented as part of the development with the aim of minimising energy use and associated CO2 emissions. A Sustainability Statement has also been submitted outlining the development outlining the sustainable design and construction measures to be implemented. The details will be secured by condition. The proposal therefore accords with the NPPF (2023), London Plan (2021) Policies SI 2 and SI 4, and Local Plan (2018) Policies CC1 and CC2.
8. Air Quality: With regards to air quality considerations, a number of conditions will ensure additional mitigation is included. The development would be acceptable and compliant with London Plan (2021) Policy SI 1, and Local Plan (2018) Policy CC10.
9. Landscaping, Ecology and Biodiversity: Landscaping would be provided by the development, enhancing biodiversity which would be of benefit to the area and which complies with London Plan (2021) Policy G7, and Local Plan (2018) Policies OS1 and OS5.
10. Planning Obligations: Planning obligations to mitigate the impact of the development and to make the development acceptable in planning terms are secured. This includes, highway improvements, on-street car parking permit free, travel plan, and a contribution towards community safety and place shaping. These measures for the proposed development would therefore mitigate external impacts and would accord with London Plan (2021) DF1 and Local Plan (2018).

**LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS**

All Background Papers held by Andrew Marshall (Ext: 4841):

Application form received: 29th August 2023
Drawing Nos: see above

Policy documents: National Planning Policy Framework (NPPF) 2023
The London Plan 2021
LBHF - Local Plan 2018
LBHF – Planning Guidance Supplementary Planning Document
2018

Consultation Comments:

Comments from:	Dated:
Thames Water - Development Control	18.10.23
Transport For London - Land Use Planning Team	30.10.23
Thames Water - Development Control	12.09.23
Transport For London - Land Use Planning Team	30.10.23
Network Rail	27.03.24
London Underground Limited	08.03.24
Crossrail Limited	07.03.24
Thames Water - Development Control	12.02.24
Crime Prevention Design Advisor - Hammersmith	05.03.24
Transport For London - Land Use Planning Team	29.02.24

Neighbour Comments:

Letters from:

Dated:

2 Kimbell Gardens London SW6 6QQ	07.03.24
156 Sinclair Road London W14 0NL	08.03.24
38-40 Woodstock Grove London W12 8LG	24.02.24
Flat 5, 156 Sinclair Road London W14 0NL	08.03.24
158A Sinclair Road 158 Sinclair Road London W14 0NL	08.03.24
9 Menin Way Farnham GU98DY	08.03.24
158A Sinclair Road London W14 0NL	08.03.24
158A Sinclair Road W14 0NL	08.03.24
40 Minford Gardens London W14 0AN	29.01.24
21B Woodstock Grove Shepherds Bush W12 8LE	29.01.24
84 Grosvenor Street London W1K 3JZ	29.01.24
156A Sinclair Road London W14 0NL	07.03.24
156 Sinclair Road London W140NL	07.03.24
Flat 5 156 Sinclair Road London W14 0NL	08.03.24
156 Sinclair Road London W14 0NL	08.03.24
2, 3 Sinclair Gardens London W14 0AU	28.09.23
Unit 1H, Woodstock Studios, 36 Woodstock Grove London W12 8LE	08.09.23
Unit 1H, Woodstock Studios, 36 Woodstock Grove London W12 8LE	08.09.23
156 Sinclair Road London W14 0NL	28.09.23
156A Sinclair Road London W14 0NL	12.09.23
156 Sinclair Road Second Floor, Flat D London W14 0NL	04.10.23
8 Bishopsgate London EC2N 4BQ	05.10.23
152 Sinclair Road London W14 0NL	28.09.23
38 - 40 Woodstock Grove London W12 8LG	29.01.24
2 Kimbell Gardens London SW6 6QQ	21.09.23
156A Sinclair Road London W14 0NL	08.03.24
158 Sinclair Road B London W14 0NL	29.09.23
Flat 5 156 Sinclair Road London W14 0NL	27.09.23
158D Sinclair Road London W14 0NL	27.09.23
9 Sinclair Gardens London W14 0AU	11.09.23
156 Sinclair Road Flat C, First Floor London W14 0NL	28.09.23
Ground Floor Flat 154 Sinclair Road London W14 0NL	12.09.23
Basement 158 Sinclair Road Brook Green London W14 0NL	26.09.23

1.0 SITE LOCATION AND DESCRIPTION, AND RELEVANT PLANNING HISTORY

+ Site Context:

- 1.1 The application relates to the K West Hotel and Spa which is a 219 bedroom 4-star boutique hotel located in Shepherds Bush. The Hotel also includes a bar/restaurant, gym facilities and a nail bar.
- 1.2 The site is located between Richmond Way to the west and Addison Gardens to the east. The immediate area is predominantly residential. The south of the site borders the rear gardens of the houses of nos. 1 to 33 Sinclair Gardens and nos. 148 to 160 Sinclair Road. To the north of the site lies 21-40 Sinclair Mansions and 38-40 Woodstock Grove. Woodstock Studios is located to the North East which is a building of the former BBC Studios that houses a range of commercial uses, loft style offices and live work units.
- 1.3 The site is located within the Shepherds Bush Town Centre and White City Opportunity Area. The site is not located within a conservation area; however, it borders the Lake/Sinclair/Blythe Conservation Area to the south.
- 1.4 The site has a Public Transport accessibility Level (PTAL) of 6a/6b - suggesting that it has excellent access to public transport. Shepherds Bush station entrances which serve the London Underground (LU) Central line, and the London Overground (LO) and National Rail lines, are located 320m and 460m to the north of the site respectively. The nearest bus stops are located approximately 170m east of the site on Holland Road and Cycleway 39 (C39 - Kensington High Street to Shepherds Bush) is located approximately 35m east of the site.
- 1.5 The site is situated within Environment Agency's Flood Risk Zone 1.

+ Relevant Planning History:

Planning permission was granted in 1996 for the change of use of the building from Class B1 Offices used by the BBC to a 236-suite hotel along with parking for 24 cars and 2 coaches on the north side and landscaping to the south. The Section 106 agreement stipulated that the hotel should be of a minimum 4 star standard. (1996/00267/FUL). Implemented.

Planning permission was granted in April 2003 for the erection of a four storey extension (at lower and upper basement, ground and first floor levels) situated on the south side at the rear of nos 3 and 5 Sinclair Gardens; ii) extension to the existing roof-top plant-room to provide a lift safety over-run; iii) installation of 3 new extraction vents on the west elevation (facing Richmond Way) of the roof-top plant-room and enlargement of one of the existing extraction vents on the south side of the roof-top plant-room; iv) landscaping details and revised parking layout. (2001/01355/FUL) Not implemented.

Planning permission granted in November 2003 for the variation of condition 13 of planning permission 1996/00267/FUL dated 8.10.1996, to allow the hotel restaurant to be open for use by the general public and not just hotel guests. (2003/02669/VAR).

Planning permission was refused in June 2004 for the erection of a two-storey building to provide (to replace existing portacabin) staff training and storage facilities in connection with the existing hotel. The area of this development is sited at the rear of the site, within a car parking and refuse storage area. (2004/00884/FUL).

Planning permission was granted in November 2005 for the erection of a two-storey building to provide staff training and storage facilities in connection with the existing hotel. (2004/02440/FUL) Implemented.

Planning permission was granted in January 2006 for the erection of a cantilevered glass canopy with stainless steel cable supports, stone/stainless steel columns and beams, and associated lighting at base of canopy; installation of non-illuminated translucent panels to the north and south elevations at high level.(2005/02976/FUL) Implemented.

Planning permission approved in February 2023 for alterations to the existing external car drop off area and vehicle crossovers on Richmond Way at the front of the entrance to the lobby to include: formation of a new (exit) crossover 10 metres north of the existing provision; removal of the existing (exit) crossover; associated removal/relocation of bollards and amendment to double yellow lining. (2022/03301/FUL) Not implemented.

There is currently an application pending for the display of 1no internally illuminated fascia sign to the northern and southern elevation of the building to replace the existing signs; display of a low level externally illuminated pylon sign to the western elevation of the site.(2023/02261/ADV)

2.0 PROPOSALS

2.1 The current proposals relate to internal and external refurbishment of the existing hotel to provide 231 bedrooms (net increase of 12) and associated improved front of house and back of house accommodation. The hotel is to be rebranded as a boutique Hotel Indigo.

The external works comprise:

- o replacement of all existing uPVC windows with new fixed glazed PPC aluminium framed windows incorporating ventilation louvres;
- o replacement of existing curtain walling to the lower part of the western elevation;
- o replacement of full height glazing to levels 5 and 6 of western elevation;
- o replacement of existing render to the gables with coloured render to the northern and southern elevations;
- o brickwork and exposed concrete frame repaired, with the concrete frame repainted;
- o flat roof coverings replaced;
- o installation of boundary fencing;
- o erection of bin store;
- o erection of substations and plantrooms, and alterations to the existing plant room outbuildings to eastern elevation of the site;
- o removal of brick plant enclosures on roof and installation of rooftop plant with acoustic louvre enclosures at roof level;
- o installation of PV panels across flat roof areas;

- o upgrading of garden areas to south, including provision of direct access from level 01 accommodation and spa and gym;
- o installation of planters along Richmond Way street edge;
- o general soft landscaping maintenance and improvements in existing planted areas.

Internally the works include:

- o replanning of guest rooms to create 231 rooms (net increase of 12 rooms);
- o enlarged front of house facilities associated with the main entrance to the Hotel;
- o enlargement and refurbishment of existing spa facilities at Level 1 to include updated gymnasium, treatment rooms and changing facilities;
- o relocation of existing restaurant from Level 4 to Level 3;
- o replanning of existing informal meeting and conference spaces.

+ Public Engagement

2.2 A Statement of Community Involvement (SOCl) supports the current planning application and summarises the pre-application engagement undertaken by the applicant.

2.3 Leaflets were delivered to neighbouring properties informing residents of a public exhibition in respect to the proposed refurbishment proposals of the existing hotel. The Hotel Management also reached out to all existing gym and spa members and the Addison Ward Neighbourhood Group. The public exhibition was held on site on Thursday 11th May 2023 between the hours of 12.00pm and 7.00pm.

2.4 The SOCl confirms a total of 13 forms of feedback were received. In summary the feedback was generally supportive of the refurbishment of the hotel. A summary of the responses is provided below:

- o Design approach - improvement, more modern/welcoming.
- o External landscaping works should consider the impact to wildlife and existing trees.
- o The external areas should not be used for smoking areas/outside catering/eating/drinking.
- o The hotel could offer more community facilities e.g. afternoon teas, more classes in the gym, community events, swimming pool.
- o Noise levels should not go up.
- o Continue communication with local residents.

3.0 PUBLICITY AND CONSULTATION RESPONSES

+ Statutory Consultation

3.1 A site and press notice were published to advertise this application and notification letters were sent to the occupants of 319 surrounding properties.

15 responses were received, all raising objections. A summary of the comments is provided below:

Objection:

- o Noise and disruption associated with the construction phase
- o Unlawful plant installed to the rear of the site causes noise disturbance
- o Existing noise complaints in connection with the staff building to the rear of the site
- o Loss of privacy
- o The land to the rear will be more industrial
- o Use of the rear of the site for construction related activities would cause noise and disturbance
- o Harm to visual amenity and conservation area
- o Loss of outlook and privacy from new buildings to the rear of the site
- o Risk of subsidence as a result of the groundworks associated with the garden spa
- o Unclear as to the loss of trees - could impact upon privacy
- o Anti-social behaviour from use of spa gardens
- o Insufficient information in respect to the boundary treatments
- o Insufficient information regarding the operation of the spa - environmental nuisance
- o Inaccuracies within supporting acoustic report in respect to the new plant
- o Lack of green roofs, details regarding biodiversity
- o Impact to value of properties

3.2 A second round of consultation was undertaken following an amendment to the description of works and the submission of further information.

To date a total of 19 representations have been received to the reconsultation comprising 7 in support and 12 in objection. Similar concerns were raised and a summary of the comments is provided below:

Objection:

- o Noise disruption from substation and plant
- o Impact to value of properties
- o Substation and switch rooms to the rear will obstruct garden views
- o Temporary works in connection with the construction phase lack detail in terms of impact to neighbours (noise, odours, privacy)
- o Residents not informed of public consultation held by applicant
- o Plans not clear
- o No consideration given to biodiversity and green roofs
- o Light pollution
- o Odour

Support:

- o The hotel have been an excellent neighbour and a huge asset to the community
- o The hotel is uniquely placed and blends in with the surrounding area
- o The guests have not caused any major disturbances over the years
- o The hotel benefits the local economy - guests use local shops
- o The refurbished hotel will provide employment and a social hub
- o The refurbished hotel will contribute positively to the local community

3.3 The Gardens Trust, the Hammersmith Society, Shepherds Bush Residents Association, and Shepherds Bush Community Association, were also consulted on the planning application and have not made any comments.

+ Technical Consultations

3.4 TfL (Spatial Planning) request further details in respect to construction arrangements as well as cycle/disabled parking provision.

3.5 Thames Water recommend conditions to secure surface and foul water details; and an informative relating to water pressure.

3.6 Metropolitan Police Designing Out Crime Officer (DOCO) recommends the applicant completes the SBD accreditation process to achieve a SBD certificate.

3.7 Crossrail Safeguarding have responded to confirm that the application relates to land outside the limits of land subject to consultation by the Crossrail Safeguarding Direction.

3.8 London Underground/ DLR Infrastructure Protection have responded to state they have no comment to make on this planning.

3.9 Network Rail (NR) have responded to state, due to the close proximity of the proposed development to NR's land and the operational railway, the applicant is requested to engage with Network Rail's Asset Protection and Optimisation (ASPRO) team prior to works commencing.

3.10 The London Fire and Emergency Planning Authority, the Environment Agency, RBK&C, and the HSE were consulted on the planning application and have not made any comments.

4.0 POLICY FRAMEWORK

4.1 The Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 are the principal statutory considerations for town planning in England.

4.2 Collectively the three Acts create a plan led system which requires local planning authorities to determine planning applications in accordance with an adopted statutory development plan unless there are material considerations which indicate otherwise (section 38(6) of the 2004 Act as amended by the Localism Act).

4.3 In this instance the statutory development plan comprises the London Plan (2021) and the Local Plan (2018). A number of strategic and local supplementary planning guidance and other documents are also material to the determination of the application.

+ National Planning Policy Framework (2023)

4.4 The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and was subsequently revised in 2019 and 2021 and more recently in 2023 and is a material consideration in planning decisions. The NPPF, as supported by the Planning Practice Guidance (PPG), sets out national planning policies and how these are expected to be applied.

4.5 The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

+ London Plan

4.6 The London Plan was published in March 2021. It forms the Spatial Development Strategy for Greater London and sets out a framework for how London will develop over the next 20-25 years and the Mayor's vision for Good Growth. It forms part of the development plan for Hammersmith and Fulham.

+ Local Plan

4.7 The Council adopted the new Local Plan on 28 February 2018. The policies in the Local Plan together with the London Plan make up the statutory development plan for the borough. The Planning Guidance Supplementary Planning Document (SPD) (February 2018) is also a material consideration in determining planning applications. It provides supplementary detail to the policies and is organised around key principles.

5.0 PLANNING ASSESSMENT

The main considerations material to the assessment of this application have been summarised as follows:

- 5.1 Land Use - The acceptability of the increase in hotel rooms and associated ancillary accommodation, and the intensification of the use.
- 5.2 Accessibility; Secure by Design; and Fire Safety
- 5.3 Design and Heritage
- 5.4 Residential Amenity (light/outlook/privacy/environmental nuisance)
- 5.5 Highways and Transportation
- 5.6 Flood Risk and SUDS
- 5.7 Energy and Sustainability
- 5.8 Air Quality
- 5.9 Arboriculture, Ecology and Biodiversity

5.1 LAND USE

5.1.1 The existing hotel currently has 219 bedrooms in a mix of sizes and the refurbished hotel would provide 231 Bedrooms providing a variety of room types including connecting rooms which will provide more functionality and better use of the existing floorplates. It is noted that the number of bedrooms provided under the current proposal would still be less than the original permission. In addition,

the refurbished hotel will expand upon the existing facilities on the site, including improved hotel front of house facilities comprising a larger restaurant and bar area. The hotel's spa will also be fully refurbished and extended to improve the quality of offering, range of treatments, and enhanced gym facility.

5.1.2 Paragraphs 80 and 81 of the revised NPPF outlines the Government's commitment to securing economic growth in order to create jobs and prosperity; and to help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. The NPPF emphasises that significant weight be placed on the need to support economic growth and productivity.

5.1.3 London Plan Policy E10 states that London's visitor economy and associated employment should be strengthened by enhancing and extending its attractions, inclusive access, legibility, visitor experience and management and supporting infrastructure, particularly to parts of outer London well-connected by public transport. The Policy seeks to achieve 58,000 net additional hotel bedrooms across London by 2041. Part C of this policy seeks to ensure a sufficient supply and range of serviced accommodation. Part G seeks for visitor infrastructure to be located within the CAZ or where they are well connected by Public Transport, particularly to central London. Part H requires sufficient choice and at least 10% of bedrooms to be wheelchair-accessible.

5.1.4 Local Plan Policy E3 states that;

Permission will be granted for new visitor accommodation and facilities or the extension of existing facilities within the three town centres, the Earl's Court and West Kensington and White City Opportunity Areas subject to:

- the development being well located in relation to public transport;
- the development and any associated uses not having a detrimental impact on the local area;
- no loss of priority uses such as permanent housing;
- provision of adequate off-street servicing and pick up points for the type of facility proposed;
- at least 10% of hotel bedrooms designed as wheelchair accessible;
- the facility being of a high standard of design; and
- the scheme adding to the variety and quality of visitor accommodation available locally.

5.1.5 The proposal relates to the refurbishment of an existing hotel located within the Shepherds Bush Town Centre and the White City Opportunity Area, that is considered to be well located in relation to public transport. As well as enhancing London's visitor economy the proposal would also provide additional employment opportunities and would support the viability of the Shepherd's Bush Town Centre.

5.1.6 Subject to an assessment against all other material planning considerations, including design and heritage, accessibility, residential amenity and impact on the highways network, the principle of increasing the number of hotel rooms and the intensification of the existing use is considered to be acceptable and would accord with the NPPF, London Plan Policy E10 and Local Plan Policy E3. The abovementioned matters are discussed in more detail below.

5.2 ACCESSIBILITY; SECURE BY DESIGN; AND FIRE SAFETY

+ Accessibility

5.2.1 London Plan Policy D5 and Local Plan Policy DC4 requires all new development to achieve the highest standards of accessible and inclusive design. Specifically, London Plan Policy E10 requires, either 10 per cent of new bedrooms to be wheelchair-accessible in accordance with British Standard BS8300-2:2018 Design of an accessible and inclusive built environment, Buildings, Code of practice; or 15 per cent of new bedrooms to be accessible rooms in accordance with the requirements of 19.2.1.2 of British Standard BS8300-2:2018 Design of an accessible and inclusive built environment, Buildings, Code of practice. Local Plan Policy E10 require at least 10% of new hotel rooms to be accessible. Access requirements have now been incorporated into Building Regulations.

5.2.2 The supporting Inclusive Design Statement confirms the refurbished hotel will comply with current standards. To meet London Plan Policy E10 the 11 existing wheelchair accessible rooms will be upgraded to meet the current wheelchair accessible standard and 15% of the 12 new bedrooms will comply with 19.2.1.2 of British Standard BS8300-2:2018 which will include 5% (1 bedroom) designed to meet the need of ambulant disabled people who do not rely on a wheelchair within their bedroom or en-suite and 5% (1 bedroom) designed for wheelchair users plus 5% (1 bedroom) capable of adaption to full wheelchair standard if required in the future. The implementation of these rooms will be secured by a condition. In addition, all entrances in the development from the street and forecourt will be level, accessible lifts will be installed serving all floors, and all guests facilities including the bar/restaurant and spa facilities will meet the relevant standards. Finally, one accessible parking space will be provided adjacent to the entrance. Detailed access matters would be covered under Building Regulations. On this basis the proposal accords with London Plan Policies D5 and E10, Policies E3 and DC4 of the Local Plan.

+ Secure by Design

5.2.3 London Plan Policy D11 and Local Plan Policy DC1 require new developments to respect the principles of Secured by Design and to ensure that proposals create a safe, secure, and appropriately accessible environment where crime and disorder and the fear of crime do not undermine quality of life or community cohesion. Full details of how the proposal will incorporate measures for crime prevention will be secured by a condition.

+ Fire Safety

5.2.4 The matter of fire safety compliance is covered by Part B of the Building Regulations. However, London Plan Policy D12 recommends the fire safety of developments to be considered from the outset. London Plan Policy D12 states that 'all development proposals must achieve the highest standards of fire safety' and the requirements are set out in Section A (criteria 1-6).

5.2.5 A Fire Safety Statement, prepared by an independent and suitably qualified third party has been submitted in support of the proposal. The building does not fall under the category of a 'relevant building' as defined in Building Regulation 7(4)

and consultation with HSE is not required. The Fire Strategy evaluates the proposal alongside British Standards, demonstrating the fire safety measures to be implemented as part of this development in respect to life safety of the occupants and facilitating adequate fire service access. Officers are satisfied that the submitted Fire Safety Statement provides sufficient information for the planning stage.

5.3 DESIGN AND HERITAGE

5.3.1 The NPPF (section 12) states that development should respond to local character and history and the surrounding environment and setting, whilst not preventing innovation but extends this to recognise a role for change and increased densities. The NPPF (section 16) advocates a positive strategy for conserving and enhancing the historic environment, taking account of (amongst other things) the desirability of new development to make a positive contribution to local character and distinctiveness. The NPPF states that economic, social and environmental gains are to be sought jointly and simultaneously in order to deliver positive improvements in the quality of the built, natural and historic environment.

5.3.2 London Plan Policy D3 specifies that development must take a design led approach that optimises the capacity of sites, with specific regard to form and layout, experience, quality and character. London Plan Policy HC1 states that development proposals affecting heritage assets, and their setting should conserve their significance and avoid harm and identify enhancement by integrating heritage considerations early on the design process.

5.3.3 Local Plan Policy DC1 states that 'Development should create a high quality urban environment that respects and enhances its townscape context and heritage assets. There should be an approach to accessible and inclusive urban design that considers how good design, quality public realm, landscaping and land use can be integrated to help regenerate places. In particular, development throughout the borough should be of the highest standard of design that respects local context and character and should protect and enhance the character, appearance and setting of the borough's conservation areas and its historic environment'.

5.3.4 Local Plan Policy DC4 states that 'The council will require a high standard of design in all alterations and extensions to existing buildings. These should be compatible with the scale and character of existing development, their neighbours and their setting. In most cases, they should be subservient to the original building. Alterations and extensions should be successfully integrated into the architectural design of the existing building. In considering applications for alterations and extensions the council will consider the impact on the existing building and its surroundings and take into account the following:

- a) Scale, form, height and mass;
- b) Proportion;
- c) Vertical and horizontal emphasis;
- d) Relationship of solid to void;
- e) Materials;
- f) Relationship to existing building, spaces between buildings and gardens;
- g) Good neighbourliness; and
- h) The principles of accessible and inclusive design.'

- 5.3.5 Local Plan Policy DC8 states that the council will '...aim to protect, restore or and enhance the quality, and character, appearance and setting of the borough's conservation areas and its historic environment, including listed buildings, historic parks and gardens, buildings and artefacts of local importance and interest, archaeological priority areas and the scheduled ancient monument'. This is supported by Planning Guidance SPD Key Principle CAG3.
- 5.3.6 The site is not located within a conservation area. However, it borders the Lakeside/Sinclair/Blythe Conservation Area to the south. The proposals would not result in any impacts to the setting of other designated/non-designated heritage assets.
- 5.3.7 The proposed works to K-West Hotel consist primarily of internal alterations with limited exterior alterations.
- 5.3.8 The overall building form will remain as existing although there will be some changes to rooftop plant, including new acoustic enclosures, and replacement of enclosures around existing staircase/lift core overruns providing access to the roof areas. Where there is roof mounted plant, this has been restricted to areas where plant enclosures are currently located.
- 5.3.9 Existing single glazed windows to guest bedrooms will be replaced with new, double-glazed fixed windows, as part of general measures to improve the performance of the existing building fabric. The glazing pattern of a typical bay will be changed from an aluminium top hung sash window with adjoining fixed panel to three equal fixed panels with a full width integrated ventilation louvre above. Existing brick infill panels will be retained refurbished.
- 5.3.10 Some windows at level 1 (basement) will be converted to glazed doors to allow access to the external amenity spaces associated with the proposed spa/health suite facilities.
- 5.3.11 The original curtain wall system and windows to the main entrance façade will be replaced with new aluminium framed double glazing and the existing metal canopy framework will be retained. The original render finish to adjoining flank walls will be replaced with a new insulated render system in a dark grey colour. New, replacement illuminated signage will be incorporated, however this would be subject to a separate advertisement consent.
- 5.3.12 Overall, the proposed works are considered to be sympathetically designed repairs and upgrades to the existing building's fabric. As such, the proposals are considered to represent a good quality of design. To secure the quality of the proposed works to the external fabric of the building details and samples of all external materials and finishes to facades and roofs; details of rooftop plant, PV panels, and acoustic plantroom enclosures; details of external lighting; and details and samples of proposed hard landscaping will be secured by conditions.
- 5.3.13 Considering the impact of proposals upon the setting of Lakeside/Sinclair/Blythe Conservation Area to the south, officers are satisfied that the proposals, given their modest impact upon the visual appearance of the host property would not result in any harmful impact to the adjacent conservation area, and would preserve its character and appearance.

5.3.14 Overall, the proposed development is considered acceptable having regard to the NPPF, Policies D3 and HC1 of the London Plan (2021) and Policies DC1, DC4 and DC8 of the Local Plan (2018).

5.4 RESIDENTIAL AMENITY

5.4.1 The existing hotel site is surrounded by residential properties. The key issues in this respect relates to the impact of the external alterations; and the construction and operational phases of the development.

+ Outlook, light and privacy

5.4.2 Local Plan Policy HO11 addresses detailed residential standards and, in seeking a high standard of design, seeks to ensure the protection of existing residential amenities; including issues such as loss of daylight, sunlight, privacy and outlook. Policy DC4 advises that good neighbourliness in particular the amenities of the neighbouring properties, and other properties most directly affected by the proposal will be a key consideration when assessing proposals.

5.4.3 Key Principles HS6 and HS7 of the Planning Guidance SPD seek to protect the existing amenities of neighbouring residential properties, in terms of outlook, light, and privacy.

5.4.4 New roof mounted plant has been restricted to areas where plant enclosures are currently located and as such will not impact on the overall building envelope size or proportions. New plant to be installed to the rear (eastern part) of the site will either replace existing plant enclosures of the same size and in the same location or will be screened by the Addison Road flyover. A new substation and switch room enclosure will be erected adjacent to the residential rear gardens of nos. 156-160 Sinclair Road. In this case the structures would be predominantly screened by the existing boundary treatment. Whilst the structures would project marginally above the party wall, 300m at the highest point, it would be difficult to sustain an argument that the new buildings would result in unacceptable loss of light or outlook. Finally, a new bin enclosure to the northern edge of the site due its location would not impact on the residential amenity of neighbouring properties. In this respect it is not considered the proposals would result in undue loss of light, outlook or increased sense of enclosure.

5.4.5 Along the southern boundary of the site adjacent to the properties on Sinclair Gardens it is proposed to erect a new 1.8m high close boarded fence set 200mm inside the line of the existing rear fences of those properties to provide a unified boundary treatment when viewed from the hotel. The existing boundary treatment to the properties on Sinclair Gardens comprises varying types of fencing between 1.8m and 2.1m tall. It is not considered the new fencing, set within the site, would cause a noticeable change to the outlook of these properties. Notwithstanding this, the erection of boundary treatment below a height of 2m high does not require planning permission.

5.4.6 With the exception of the replacement of obscure glass bricks to the rear elevation of the front part of the building all new openings would replace existing openings of a similar size and in the same location, however the new windows would be fixed as opposed to the existing situation whereby windows open outwards. As per the original permission a condition will ensure blinds are installed to all bedroom windows to safeguard the amenity of neighbouring residential properties. In terms of these windows there would be no additional overlooking. Where windows would replace the abovementioned existing glass bricks, due to the orientation of the building the new clear glazing would be positioned more than 18 metres from existing habitable room windows measured by an arc of 60 degrees taken from the centre of the proposed new windows (Key Principle HS8), which would prevent undue overlooking. Separately, it is proposed to provide access onto the re-landscaped area to the south of the building adjacent to the properties on Sinclair Gardens which will in turn be used by the spa, gym and 6 of the guest bedrooms. It is noted this space is not currently accessible to guests, however plans associated with the 1996 permission confirm this space was always intended to be used as a hotel garden. Nonetheless, due to the separation distance, significant change in ground levels and the existing dense vegetation, the use of the new external areas would not result in overlooking issues to the adjacent properties of Sinclair Gardens.

5.4.7 On this basis, there will be no reduction in the level of residential amenity experienced at surrounding properties in terms of undue loss of light, privacy, outlook or increased sense of enclosure, in accordance with Local Plan Policies DC1, DC4, HO11, and Key Principles HS6 and HS7 of the Planning Guidance SPD.

+ Environmental Nuisance

5.4.8 The key issue in this respect relates to the operational activities of the hotel, the new plant, and the construction phase in terms of environmental nuisance.

5.4.9 London Plan Policy D14 states in order to reduce, manage and mitigate noise to improve health and quality of life, development proposals should manage noise by avoiding significant adverse noise impacts on health and quality of life.

5.4.10 Local Plan Policy CC11 states that noise-generating development will not be permitted if it would be liable to materially increase the noise experienced by the occupants of existing noise-sensitive uses in the vicinity. Policy CC13 states that the Council will, where appropriate, require mitigation measures if a nuisance (such as smoke, smell, or noise) would be likely to occur. Local Plan Policy CC12 seeks to control the adverse impacts of lighting arrangements.

5.4.11 For developments that have the potential to increase noise or vibration levels Planning Guidance SPD Key Principle NN1 requires the submission of a noise and/or vibration survey and report. SPD Key Principle NN4 requires all noise-generating uses, including plant, machinery and equipment, will be subject to requirements to minimise noise to relevant criteria in order to protect residential and other noise-sensitive amenity.

Front of house accommodation:

- 5.4.12 As part of the refurbishment works the hotel will be reconfigured to improve front of house accommodation. The application is supported by an Operational Management Plan (OMP) which sets out the key principles by which the building will be managed.
- 5.4.13 The existing bar will be reduced slightly in size from 107sqm to 102sqm, and the existing restaurant will be increased in size from 89 sqm to 168sqm. The increase in the restaurant area is driven by the hotel's requirement to provide a full breakfast service to all hotel guests in two sittings. The current restaurant offers 60 covers and the new space will cater for 125 covers which will meet the IHGF Hotel Indigo space standards. The new refurbished restaurant and bar area at ground floor level will provide all day dining to both hotel and non-hotel guests from 6:30am to 11pm. The sale of late-night refreshments will be provided from 10am to 2am Monday to Saturday and 10am to 1am Sunday.
- 5.4.14 It is noted Condition 13 of the 1996 permission restricted the use of the bar and restaurant for hotel guests only. While planning permission was granted to vary condition 13 in 2003 (2003/02669/VAR) to allow the hotel restaurant to be open for use by the general public and not just hotel guests, this was for a temporary period only and expired 30.11.05. Under the same permission the variation only applied to the restaurant with the use of the hotel bar remaining limited for use by hotel guests only. As part of the current application, the applicant has provided evidence to demonstrate that, contrary to the temporary permission, the use of the land by non-hotel guests has been in practice since 2003. In particular, it is noted there have been several premises licences granted for the hotel, dating from 2005, which permit the sale of alcohol and hot food for hotel and non-hotel guests. The Council's Licensing Team have confirmed there are no restrictions on the licence in terms of use of the hotel bar/restaurant by non-hotel guests as long as it is within hours permitted on the licence. It is considered, on the balance of probability, the evidence submitted demonstrates that the use of the hotel bar and restaurant by non-hotel guests is now lawful. On this basis there is no objection to this arrangement continuing.
- 5.4.15 While the opening hours of the hotel bar/restaurant would exceed those prescribed under Local Plan Policy TLC5 (24:00hrs in town centres) this is consistent with the most recent licence granted (2016), which remains the current license, and which permits the sale of alcohol between 10am to 2am Monday to Saturday and 10am to 1am Sunday.
- 5.4.16 London Plan Policies SD6 and HC6 seek to enhance vitality and viability of town centres through the promotion of managed vibrant daytime, evening and night-time activities. The London Plan acknowledges the important public function that spaces within and around town centres can play in providing opportunities for people to meet, gather, socialise and be entertained. Local Plan Policy TLC1 seeks to enhance the vitality and viability of the Borough's town centres by ensuring a range of accessible shopping and other town centre uses to meet the needs of local residents, workers, and visitors. In particular, Part C supports the night-time economy. The enhanced front of house accommodation would support these objectives.

- 5.4.17 There are currently 3no. meeting rooms for hire in the hotel (54sqm, 53sqm and 26sqm) which will be replaced by 3no. rooms of a similar size (38sqm, 67sqm, and 40sqm). The rooms will operate as per the existing arrangements: on a booking system for half day or full day packages.
- 5.4.18 The spa/gym has increased in size from 661sqm to 842sqm. The Spa will operate between the hours of 8am and 10pm, and the gym will be open to hotel guests 24/7 and to external gym members between 6am to 11pm.
- 5.4.19 As part of the refurbishment the external landscaped area along the southern edge of the site will be upgraded. Part of the re-landscaped area will be subdivided for use by the spa and gym (80sqm and 69sqm respectively) and for 6 guests bedrooms (15sqm each). As stated earlier, while this space is not currently accessible to guests, plans associated with the 1996 permission confirm this space was always intended to be used as a hotel garden.
- 5.4.20 Nonetheless, officers have considered the intensified use of this space in terms of noise and disturbance. In this case the neighbouring residential properties that potentially stand to be most impacted by this development are those properties along Sinclair Gardens, whose rear gardens adjoin the re-landscaped area. In this case the applicant has agreed to limit the use of the spa and gym external areas to the hours of 08:00 to 20:00 Monday to Sunday. In addition, all doors will be self-closing. On this basis it is not considered the proposal would cause undue noise and disturbance.
- 5.4.21 Having considered the OMP officers are satisfied the proposals to include 12 additional guest bedrooms and enhanced front of house accommodation would not substantially alter the existing operational arrangement on site, and in turn would not result in a noticeable change to the amenity of neighbouring residential properties. The above hours of operations of the front of house accommodation, spa/gym facilities, including the use of the external amenity areas are outlined in the Operational Plan which will be secured by a condition.
- 5.4.22 In summary, subject to conditions, the operational use of the hotel itself would not result in an inappropriate and unneighbourly form of development, in accordance with London Plan Policy D14, Local Plan Policies DC1, DC4, CC11, CC13 and HO11, and Key Principle HS8 of the Planning Guidance SPD.

Plant:

- 5.4.23 The refurbishment will include the replacement of existing plant and the installation of new plant. The majority of plant will be located at the basement level or on the roof within acoustic enclosures. There are several existing standalone air conditioning/condenser units within the landscaped area to the southern elevation of the hotel building within close proximity to the dwellings on Sinclair Gardens which would be removed as part of the proposal and relocated to roof level within the aforementioned acoustic enclosures. To the rear (eastern) part of the site the existing chilling compound will be replaced by a new plant compound comprising acoustic insulation and louvre screens to mitigate noise pollution. The unlawful plant adjacent to this will also be removed. Opposing this, on the southern boundary it is proposed to erect a substation and switch room adjacent to the rear gardens of nos. 186-160 Sinclair Road.

5.4.24 Following submission of additional information and an amended acoustic report that provides additional background noise measurements and confirmation of the removal of existing plant, the Environmental Protection Officer is satisfied that the operation of the proposed plant would have a negligible impact on the amenities of residents surrounding the site. Conditions however will ensure the plant noise limits and anti-vibration measures remain in compliance with the above assessment, and a post installation noise assessment will be required to be carried out to confirm compliance with the sound criteria and additional steps to mitigate noise shall be taken, as necessary. If complaints are received officers can assess the noise levels and determine any non-compliance, and appropriate action can be taken. On this basis, the proposals are considered to comply with London Plan Policy D14 and Local Plan Policies CC11 and CC13.

Lighting:

5.4.25 Details and levels of illumination of external lighting, including floodlights, security lights and decorative external lighting will be secured by a condition.

+ Construction phases

5.4.26 An informative will advise the applicant on permitted hours for building works; notification requirements to neighbours; and dust, smoke and noise mitigation measures associated with the building works.

5.5 HIGHWAYS AND TRANSPORTATION

5.5.1 London Plan Policy T6 sets out the intention to encourage consideration of transport implications as a fundamental element of sustainable transport, supporting development patterns that reduce the need to travel or that locate development with high trip generation in proximity of public transport services. The policies also provide guidance for the establishment of maximum car parking standards in relation to hotel uses as well as blue badge parking at Policies T6.4 and T6.5. London Plan Policy T5 sets out the requirements for cycle parking in accordance with the proposed use.

5.5.2 Local Plan Policy T1 sets out the Council's intention to "work with strategic partners to improve transport provision, accessibility and air quality in the borough, by improving and increasing the opportunities for cycling and walking, and by improving connections for bus services, underground, national and regional rail".

5.5.3 Local Plan Policy T2 relates to transport assessments and travel plans and states "All development proposals would be assessed for their contribution to traffic generation and their impact on congestion, particularly on bus routes and on the primary route network".

5.5.4 Local Plan Policies T3, T4, T5 and T7 relate to opportunities for cycling and walking, vehicle parking standards, blue badge holders parking and construction logistics. Local Plan Policy CC7 sets out the requirements for all new developments to provide suitable facilities for the management of waste.

5.5.5A Transport Statement supports the application.

+ Accessibility

5.5.6 The site has a Public Transport accessibility Level (PTAL) of 6a/6b - suggesting that it has excellent access to public transport. Shepherds Bush station entrances which serve the London Underground (LU) Central line, and the London Overground (LO) and National Rail lines, are located 320m and 460m to the north of the site respectively. The nearest bus stops are located approximately 170m east of the site on Holland Road and Cycleway 39 (C39 - Kensington High Street to Shepherds Bush) is located approximately 35m east of the site.

+ Trip Generation

5.5.7 The proposed increase in the number of rooms by 12 is not anticipated to generate a significant number of additional vehicle trips. However, extending the existing restaurant and spa/gym facilities will result in increased trips by public transport, walking and cycling.

+ Parking

5.5.8 There is existing vehicular access to the site from Richmond Way located alongside the north side of the site. This provides access to internal car parking and for service vehicles. The access road width varies with an approximate minimum of 3.6m and provides space for turning facilities at the end of the road towards the Addison Road flyover.

5.5.9 The site is located in Controlled Parking Zone CC, which has a 2-hour maximum stay restriction from Monday to Sunday, between 9am to 8pm (including public holidays). Along Richmond Way there are double yellow line restrictions and on-street permit holder / pay- by-phone parking bays available.

5.5.10 The existing parking provision for 29 cars and 1 coach will be rearranged to accommodate 1 additional coach parking space, resulting in a provision of 24 car parking spaces, including one disabled parking space. Taxis will continue to use the private forecourt for pickups/drop-offs.

5.5.11 It is noted, if considered in isolation, the proposed off-street parking provision exceeds the London Plan parking Standards which requires any on-site provision to be limited to operational needs, disabled persons parking and parking required for taxis, coaches and deliveries or servicing. However, the additional 12 guest bedrooms will not generate an increase to the off-street parking provision. It will utilise the existing longstanding off-street parking arrangement, which in any event will be reduced by 5 spaces. The provision of 1 disabled parking to serve the additional 12 rooms accords with the London Plan. Prohibition of the hotel and its staff/guests to obtain parking permits will be secured by the s106 agreement.

5.5.12 Nonetheless, in recognition that the level of off-street car parking at the site would encourage vehicle trips, rather than trips by sustainable modes, a legal agreement will include mitigation measures to help encourage sustainable travel / mode shift at the site. As outlined in more detail in this section of the report, this will include a travel plan, permit free obligation, and S278 works identified by a Healthy Streets Assessment to improve walking and cycling facilities within the

vicinity of the site. Separately, the provision of EV charging points and a Car and Coach Parking Operational Management Plan will be secured by conditions.

+ Cycle Parking

5.5.13 At present the site does not provide cycle parking. Parking for 20 cycles will be provided at the site which will serve long stay and short stay users. Provision has also been made for cargo bikes. Whilst this is in line with the London Plan minimum quantitative standard, details of the access arrangement to the proposed cycle facility and details of how its functionality considers and responds to all users will be secured by a condition to ensure the final provision meets the quality standards set out in the London Plan and London Cycle Design Standards (LCDS).

+ Travel Plan

5.5.14 To promote sustainable travel to and from the site, a Travel Plan is secured under the s106 agreement, together with associated monitoring fees.

+ Servicing

5.5.15 The Transport Statement includes details of the servicing arrangements of the hotel. The majority of deliveries is undertaken by small vans on a daily basis from 7am to 6pm Monday to Friday and 8am to 6pm on Saturdays. A separate, dedicated loading area is located to the side of the building, accessible from the access road. The bin store will be located next to the access road. A dedicated recycling centre is located towards the rear of the property at the end of the car park area and recycling is collected on Tuesdays and Fridays between 8am and 11am. Access to the location of the waste facilities by refuse vehicles will have no change to the existing procedures. A full Delivery and Servicing Plan is secured by a condition.

+ Highways Improvements

5.5.16 A Healthy Streets Assessment is secured by a s106 agreement (scope to be agreed) to consider the quality of the pedestrian and cyclist environment in the vicinity of the site. From a brief assessment by Highways Officers it is expected a contribution will be sought towards improving walking and cycling facilities on Richmond Way and Charecroft Way e.g. Wayfinding measures, street greening and improvements to lighting. Any necessary highway works arising from the Healthy Streets Assessment as well as from any development to Richmond Way frontage will be secured through a S278 Highways Works obligation within the s106 agreement.

+ Construction

5.5.17 A Construction Traffic Management Plan is provided with the application which confirms all loading/unloading will occur within the boundary of the site. A final Construction Logistics Plan (CLP) will be secured by a condition to ensure it is produced in accordance with TfL guidance, and also provides a clear description of how the site will discourage the use of private transport by personnel employed in its construction. The CLP will remain live a document with ongoing consultation

with the Council's Highways Officers.

5.5.18 In summary, there are no objections to the proposal based on highways, traffic or parking. Subject to the outlined conditions and legal obligations the proposal accords with the above policies.

5.6 FLOOD RISK AND SUDS

5.6.1 London Plan Policy SI 12 states that development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed. Policy SI 13 sets out the same requirement and additionally states that proposals for impermeable paving should be refused and that drainage should be designed and implemented to address water efficiency, water quality, biodiversity and recreation.

5.6.2 Local Plan Policy CC2 requires major developments to implement sustainable design and construction measures, including making the most efficient use of water. Local Plan Policy CC3 requires that new development is required to reduce the use of water and to minimise current and future flood risk. This is supported by Policy CC4 which seeks that developments manage surface water run-off and requires all major developments to implement SuDS and to provide a sustainable drainage strategy.

5.6.3 This site is in the Environment Agency's Flood Zone 1. This indicates a low risk to flooding from the River Thames. The site is also not in a surface water flooding hotspot, although the Council's surface water management plan flooding maps do show the areas to the north and south of the building could be more susceptible to ponding of water during a major storm event.

5.6.4 Given the nature of the proposals and the low risks of flooding on site, a Flood Risk Assessment (FRA) is not required. A SuDS Statement however has been provided with the application. This follows the London Plan Drainage Hierarchy in assessing potential of retrofitting any new SuDS features. It is proposed to install water butts at the base of downpipes of the ancillary buildings to the rear of the hotel to help collect rainwater for irrigation use. The addition of living roofs has also been investigated but strengthening of the existing structures would be required for the existing roofs to take the additional loading, however it is proposed to add a green roof on the chiller compound. Details of the associated design/capacity, planting, substrate and maintenance of the green roof has been provided. In terms of other measures, the ground around the hotel has been investigated and groundwater found quite close to the surface. This impacts the feasibility of including significant infiltration features such as soakaways which are considered to be unsuitable as a result. Use of other SuDS measures such as swales and permeable paving etc have been considered but the space constraints and presence of unsuitable ground conditions for infiltration and underground utilities etc prevent these from being viable. This also impacts retro-fitting an underground storage tank and directing run-off to this. There are some areas of existing soft landscaping where some works such as re-planting etc is proposed. Use of planters is also proposed. These measures will allow for some rainfall to be intercepted and small amounts of infiltration to occur. There are also commitments on water efficiency. No changes are proposed to the current drainage arrangements to discharge surface water into the Thames Water combined sewer to the front of the property on Richmond Way. The implementation of the

measures outlined in the SUDs Statement is secured by a condition.

5.6.5 Thames Water have raised no objection to the scheme, however, they have requested two conditions to protect their infrastructure. These conditions will secure surface and foul water details prior to occupation of the refurbished hotel.

5.6.6 Subject to the conditions recommended above, no objection would be raised under London Plan Policies SI 12 and SI 13 or Local Plan Policies CC3 and CC4 on sustainable drainage and flooding grounds.

5.7 ENERGY AND SUSTAINABILITY

5.7.1 London Plan Policy SI 2 seeks to extend the extant requirement on residential development to non-residential development to meet zero carbon targets. It maintains the expectation that a minimum reduction of 35% beyond Building Regulations to be met on site (10% or 15% of which should be achieved through energy efficiency for residential development, and non-residential development). Where it is clearly demonstrated that the zero-carbon target cannot be met on site, the shortfall should be provided through a cash in lieu contribution to the borough's carbon offset fund, or off-site provided an alternative proposal has been identified and delivery is certain.

5.7.2 London Plan Policy SI 4 seeks to minimise internal heat gain and the impacts of urban heat island effect through design, layout, orientation and materials. An energy strategy should demonstrate how development proposals will reduce potential for overheating and reliance on air conditioning systems in accordance with a hierarchy that prioritises the minimisation of internal heat generation through energy efficient design and reductions to the amount of heat entering a building.

5.7.3 Local Plan Policy CC1 requires major developments to implement energy conservation measures by implementing the London Plan sustainable energy policies and meeting associated CO₂ reduction target and demonstrating that a series of measures have been taken to reduce the expected energy demand and CO₂ emissions. It requires the use of on-site energy generation to further reduce CO₂ emissions where feasible. Policy CC2 seeks to ensure the implementation of sustainable design and construction measures by implementing the London Plan sustainable design and construction policies. These are supported by Key Principles set out in the Energy and Sustainable Design Construction Chapters of the Planning Guidance SPD.

5.7.4 The proposals are not classified as a major scheme however an Energy Statement has been provided. The main elements of the work relate to the refurbishment of the existing hotel building. This includes replacement of the windows and other glazed areas, replacement of curtain walling and some of the render and replacement of flat roof coverings. There are also alterations and additions to the plant rooms, installation of solar PV panels on flat roof areas and some soft landscaping improvements. These works provide opportunities to improve energy performance and reduce CO₂ emissions.

5.7.5 The Energy Statement has calculated the baseline energy use and associated CO2 emissions for the building and followed the London Plan Energy Hierarchy in using energy efficiency and renewable energy measures to reduce CO2 emissions. Measures include improved insulation levels, use of energy efficient lighting, heat recovery on ventilation systems, zonal controls to minimise energy use to when spaces are in use. These measures achieve a 19% improvement on the baseline in terms of CO2 emissions. Air Source Heat Pumps and solar PV panels are also included. Overall, annual CO2 emissions are calculated to reduce from 319.6 tonnes to 139.7 tonnes which is a total reduction of 56%. Although not a requirement for this application, the proposals meet the London Plan CO2 reduction targets of achieving 15% reduction through energy efficiency measures and reducing total emissions by at least 35%. The implementation of the carbon reduction measures as outlined in the Energy Statement is secured by a condition.

5.7.6 With regards to wider Sustainability issues, a Sustainability Statement has been provided. In addition to the carbon reduction measures outlined above, this states that it is anticipated that various measures will be included to manage water consumption for example by specifying water efficient components during the fit out works. The site's proximity to public transport systems and facilities such as Shepherds Bush town centre are emphasised in terms of sustainability. With regards to the construction works, it is stated that it is expected that the main contractor will set targets and monitor site consumption data for water and energy as well as collection of waste and materials to and from site. It is anticipated that a Site Waste Management Plan will be used to highlight key refurbishment materials and the correct waste streams for recycling these materials. Flood risk, ecology, noise and air quality are dealt with briefly in the Sustainability Statement but covered in more depth in a standalone documents and are addressed in the relevant sections of this report. The implementation of the measures as outlined in the Sustainability Statement is secured by a condition.

5.7.7 On this basis the proposals comply with London Plan Policies SI 2 and SI 4, and Local Plan Policies CC1 and CC2.

5.8 AIR QUALITY

5.8.1 London Plan Policy SI 1 states that development proposals should not lead to deterioration of existing poor air quality, create any new areas that exceed air quality limits or create unacceptable risk of high levels of exposure to poor air quality.

5.8.2 Local Plan Policies CC1 and CC10 seek to reduce levels of local air pollution and improve air quality in line with the national air quality objectives by reducing the potential adverse air quality impacts of new developments, requiring the submission of an air quality assessment and mitigation measures where appropriate. These are supported by Planning Guidance SPD Key Principles AQ1 to AQ5.

5.8.3 The development site is located within the councils Air Quality Management Area (AQMA) and within the GLA Air Quality Focus Area 61, and an area of existing poor air quality due to the road traffic emissions from Shepherds Bush Road (A219), Shepherds Bush Green (A40) and Holland Road (A3220). The development proposal will introduce new residential receptors into an area of very

poor air quality.

5.8.4 The operational phase of the development has the potential to contribute to a worsening of local air quality, unless appropriate steps are taken to prevent it. The application is supported by an Air Quality Assessment. The assessment has been reviewed by the Council's Air Quality Officer. Further details are required by conditions, including the submission of a Ventilation Strategy and post installation compliance report, and Ultra Low Emission Strategy (ULES); details of the installation of electric induction stoves in the kitchens of the hotel, Zero Emission MCS Certified Air/Water Source Heat Pumps and Electric Boilers for the hotel use, Zero Emission Emergency Generator plant, Commercial Waste Heat Exchanger Recovery System for the Hotel Restaurant Extraction System, and Aerobic Food Digesters (AFD); and the provision of active electric vehicle charging points for the off-street car parking spaces including the blue badge vehicle parking space (minimum 22 kW) and the coach parking bays (minimum 100 kW).

5.8.5 Subject to the conditions recommended above, no objection would be raised under London Plan Policy SI 1 and Local Plan Policies CC1 and CC10 on air quality grounds.

5.9 ARBORICULTURE, ECOLOGY AND BIODIVERSITY

5.9.1 London Policy G7 states that existing trees of quality should be retained wherever possible or replaced where necessary. New trees are generally expected in new development, particularly large-canopied species.

5.9.2 Local Plan Policies OS1 and OS5 seek to enhance biodiversity and green infrastructure in LBHF by (inter alia) maximising the provision of gardens, garden space and soft landscaping, and seeking green and brown roofs and planting as part of new development; seeking retention of existing trees and provision of new trees on development sites; and adding to the greening of streets and the public realm.

+ Arboriculture

5.9.3 There are a number of trees within and around the existing site. The application is supported by a Tree Survey, Arboricultural Impact Assessment Arboricultural Method Statement & Tree Protection Plan which demonstrate measures to be implemented to retain the existing trees. 2 trees would be felled due to their poor condition. The Council's Arboricultural Officer has considered the information and is satisfied with the works and associated measures outlined in the supporting documents. These will be secured by a condition.

+ Ecology and Biodiversity

5.9.4 A supporting Bat Survey clarifies there is currently negligible risk of bats using the building, and therefore no issue for works to take place. The Council's Ecology Officer is satisfied with the findings of the survey. An informative will advise that in the unlikely situation any bats or roosts are found works must immediately stop and ecologists must be consulted; and given a survey is valid for exactly two years, if works are not complete by 15th August 2025 the applicant must repeat the survey in case the situation has changed.

5.9.5 The existing external landscaped areas along the southern elevation of the Hotel are to be retained and upgraded. A Landscape Strategy supports the application. Ecology Officers are satisfied with the approach to improve biodiversity which includes a focus on native species planting. The implementation of the soft landscaping will be secured by a condition.

5.9.6 Subject to the inclusion of conditions officers consider that the proposed development accords with Policy and G7 of the London Plan and Policies OS1 and OS5 of the Local Plan in terms of arboriculture, ecological and urban greening.

6.0 PLANNING OBLIGATIONS / COMMUNITY INFRASTRUCTURE LEVY (CIL)

+ Mayoral and Local CIL

6.1 The proposal is not liable for CIL payments due to there being no additional floorspace.

+ S106 Heads of Terms

6.2 The NPPF provides guidance for local planning authorities in considering the use of planning obligations. It states that 'authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations and that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition'.

6.3 London Plan Policy DF1 (Delivery of the Plan and Planning Obligations) states that: "Development proposals should provide the infrastructure and meet the other relevant policy requirements necessary to ensure that they are sustainable and to support delivery of the Plan."

6.4 Local Plan Policy INFRA1 (Planning Contributions and Infrastructure Planning) advises that the council will seek planning contributions to ensure the necessary infrastructure to support the Local Plan is delivered using two main mechanisms 'Community Infrastructure Levy (CIL) and Section 106 Agreements (s106).

6.5 The planning obligations set out in the heads of terms below are considered necessary to make the development acceptable in planning terms, they are related to the development and fairly and reasonable in scale and kind to the development. A Section 106 agreement is therefore required to ensure the proposal is in accordance with the statutory development plan and to secure the necessary infrastructure to mitigate the needs of the Proposed Development.

6.6 In view of the fact the Section 106 agreement will be the subject of extended negotiations, officers consider that circumstances may arise which may result in the need to make minor modifications to the conditions and obligations (which may include the variation, addition, or deletion). Accordingly, the second recommendation has been drafted to authorise the Director of Planning and Property, after consultation with the Assistant Director Legal Services and the Chair of the Planning and Development Control Committee, to authorise the

changes they consider necessary and appropriate, within the scope of such delegated authority.

6.7 The Applicant is expected to agree to enter into a legal agreement with the Council to which would include the following site-specific items (i.e. items which are not on the CIL r123 list):

- 1) Contribution towards Community Safety and Place Shaping (£100,000)
- 2) Submission and implementation of an approved Hotel Travel Plan. A contribution of £3,000 at yr 1, 3 and 5 towards Travel Plan monitoring
- 3) On-street car parking permit-free development
- 4) Submission of a Healthy Streets Assessment (limited to Richmond Way between Sinclair Gardens junction and Woodstock Grove (including the pedestrian ramp) and Charecroft Way between Richmond Way and Rockley Road) to consider the quality of the pedestrian and cyclist environment in the vicinity of the site
- 5) Enter into a S278 Agreement to fund:
 - o Any necessary highway works arising from the Healthy Street Assessment; and
 - o Any necessary highway works arising from the development to Richmond Way frontage
- 6) A commitment to meet the costs of the Council's associated legal fees.

7.0 CONCLUSION

7.1 In considering planning applications, the Local Planning Authority needs to consider the development plan as a whole and planning applications that accord with the development plan should be approved without delay, unless material considerations indicate otherwise and any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

7.2 In the assessment of the application regard has been given to the NPPF, London Plan, Publication London Plan, and Local Plan policies as well as guidance.

7.3 In summary, the proposals to refurbish an existing large hotel within the Shepherds Bush Town Centre would enhance London's visitor economy, and is supported in principle. The proposal is acceptable in visual terms and is considered to be of a good quality of design which would not adversely impact upon the setting of the nearby Conservation Area. Subject to conditions the proposal would not result in unacceptable impacts upon the amenities of neighbouring residential properties. Highways, transportation and environmental matters including energy and sustainability, flood risk, air quality, and ecology and biodiversity have also been satisfactorily addressed and will be subject to conditions/planning obligations. In these respects, the proposals comply with the relevant policies of the NPPF (2021), the London Plan (2021), the Local Plan (2018) and the relevant Key Principles within the Planning Guidance Supplementary Planning Document (2018).

7.4 Officers have taken account of all the representations received and in overall conclusion for the reasons detailed in this report it is considered, having regard to the development plan as a whole and all other material considerations, that planning permission should be granted subject to the conditions listed, and the completion of a s106 agreement.

7.5 In line with the Town and Country Planning Act 1990 and the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, Officers have consulted the Applicant on the pre-commencement conditions included in the agenda and the Applicant has raised no objections.

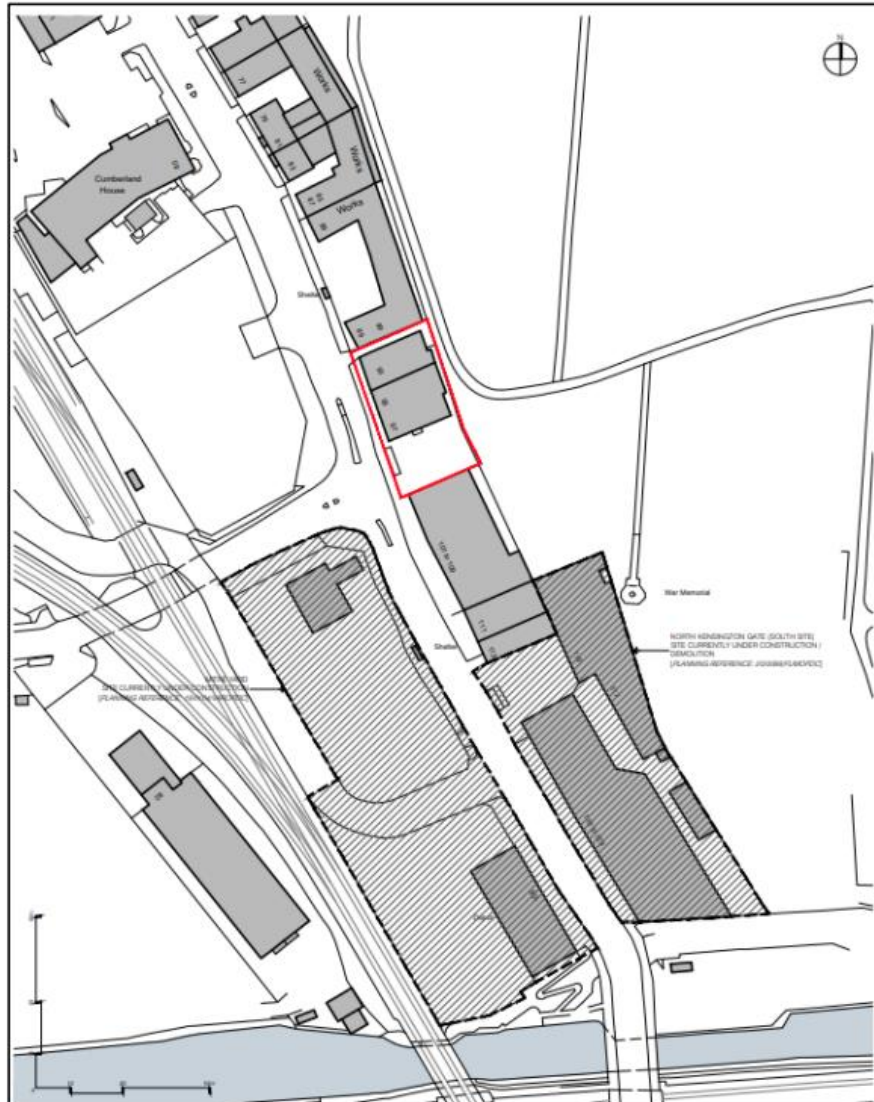
8.0 RECOMMENDATION

8.1 The application is therefore recommended for approval, subject to conditions and the completion of a legal agreement.

Ward: College Park And Old Oak

Site Address:

93-97a Scrubs Lane, London NW10 6QU



For identification purposes only - do not scale.

Reg. No:
2023/03082/OPDOBS

Case Officer;
Violet Dixon

Date valid:
27.11.2023

Conservation Area:
N/A

Committee Date:
16.04.2024

Applicant:

Old Oak and Park Royal Development Corporation
Brent Civic Centre 32 Engineers Way Wembley HA9 0FJ

Description:

Demolition of existing structures and redevelopment of the site to provide a residential building ranging in height from 5-storeys to 13-storeys, comprising 63 residential units and 129 sqm of commercial floorspace (Class E) at ground floor level, together with related landscaping, cycle parking, plant, and associated works.

Drg. Nos: OPDC Consultation letter dated 24 November 2023
(OPDC Ref. 23/0235/FUMOPDC).

Application type:

Observations to OPDC

Officer Recommendation:

The Council raises an objection to the OPDC in relation to this application for the following reason(s):

- 1) **Affordable Housing:** Both affordable housing options are considered to be unacceptable, for the reasons outlined in more detail in the body of this report. We would expect a far higher quantum of affordable housing and our preference is for genuinely affordable homes, such as social rent, above intermediate. It is unclear what controls would be in place to ensure that any intermediate housing that is provided will be demonstrably affordable to range of incomes below the maximum income cap. Any planning permission should be subject to a s106 agreement that secures appropriate affordable housing review mechanisms (in this case this should include early, mid-stage, and late-stage review mechanisms).

**LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS**

All Background Papers held by Andrew Marshall (Ext: 4841)

Application form received: 24 November 2023

Policy Documents: National Planning Policy Framework (NPPF) 2023
The London Plan 2021

OPDC Local Plan 2022

LBHF - Local Plan 2018

LBHF - Planning Guidance Supplementary Planning Document
2018

Consultation Comments:

Dated:

Comments from:

Neighbour Comments:

Officer Report

1. BACKGROUND

- 1.1 The Old Oak & Park Royal Development Corporation (OPDC) has consulted us on a planning application submitted to them (Ref.23/0235/FUMOPDC) for the redevelopment of 93-97A Scrubs Lane. The site is situated in our borough, but the OPDC is the determining planning authority.
- 1.2 This application is being reported to Committee to give Members the opportunity to consider and endorse the officers' comments before these are formally submitted to the OPDC. It is for the OPDC to determine the planning application, but the Council's comments will be included in their committee report and will form part of their consideration of the proposals.
- 1.3 The OPDC are currently intending to report the planning application to their planning committee for determination. The date of OPDC committee has not yet been confirmed.

Site & Surroundings

- 1.4 The application site (93-97A Scrubs Lane, NW10 [also known as North Kensington Gate (North)]) is broadly rectangular and situated on the east side of Scrubs Lane, opposite the junction with Hythe Road. It measures approximately 0.1 hectares (0.25 acres) and is currently occupied by a two-storey light industrial building (circa. 885 sqm of floorspace) and an area of hardstanding (south end of the site).
- 1.5 The site is bounded to the rear (east) by St Mary's Catholic Cemetery, the former Cumberland Park Factory warehouses to the north, and a single-storey light industrial unit (101-109 Scrubs Lane) to the south. The Grand Union Canal is

approximately 200m south of the site.

- 1.6 The approved North Kensington Gate (south) redevelopment (7-storey to 24-storey residential-led scheme) is close by to the south (currently under construction), and the approved Mitre Yard redevelopment (also under construction in conjunction with the North Kensington Gate (south) development) is nearby to the south-west, on the opposite side of Scrubs Lane.
- 1.7 The site itself is not in a conservation area and it does not contain any other heritage assets. However, it adjoins two conservation areas: the Cumberland Park Factory Conservation Area (to the north) and the St Mary's Cemetery Conservation Area (to the east). The cemetery is also partly within the boundary of the Kensal Green Cemetery Grade I listed park and garden.

2.0 PLANNING HISTORY

- 2.1. Planning permission was granted by the OPDC on 31 January 2018 for the redevelopment of the site in the form of a part 4-storey, part 11-storey building providing 47 residential units over ground floor commercial use, together with related works and landscaping. This permission was not implemented and has now expired. It should be noted that the permission also pre-dates the adoption of our Local Plan (2018), the London Plan (2021) and the OPDC's Local Plan (2022).
- 2.2 We objected to the development at the time broadly on the grounds of its height, massing, and design; the quantum and nature of the proposed affordable housing (roughly 30%; exclusively shared ownership; and insufficient family sized homes); the quality of the proposed residential accommodation; parking and servicing arrangements; and insufficient mitigation measures.

3.0 PROPOSAL

- 3.1 The proposed development is essentially a revised version of that previously approved and comprises the demolition of the existing structures on the site and its redevelopment in the form of a part 5-storey and part 13-storey building, providing 63 residential units over 129 sqm of ground floor commercial uses (Class E), together with related landscaping, cycle parking, and associated works.

4.0 PUBLICITY & CONSULTATIONS

- 4.1 The application has been submitted directly to the OPDC as the Local Planning Authority. In addition to the consultation responses from the relevant statutory bodies, the OPDC have received an objection from the St Helens Residents Association (public transport accessibility; affordable housing). The OPDC have not received any comments direct from residents living in Hammersmith & Fulham.
- 4.2 Similarly, no comments have been submitted to us from our residents in relation to this planning application.

5.0 PLANNING FRAMEWORK

- 5.1 The Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 are the principal statutory considerations for town planning in England. Collectively the three Acts create a plan led system

which requires local planning authorities to determine planning applications in accordance with an adopted statutory development plan unless there are material considerations which indicate otherwise (section 38(6) of the 2004 Act as amended by the Localism Act).

- 5.2 For LBHF purposes the statutory development plan comprises the London Plan (2021), our adopted Local Plan (2018) and our related Planning Guidance SPD (2018). In this case the application site is in LBHF. The OPDC as the determining authority will assess the development against the London Plan and their own local plan (2022).
- 5.3 The National Planning Policy Framework - NPPF (2023) is a material consideration in planning decisions. The NPPF, as supported by the Planning Practice Guidance (PPG), sets out national planning policies and how these are expected to be applied. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
- 5.4 The OPDC adopted their own Local Plan in 2022.

6.0 PLANNING CONSIDERATIONS

AFFORDABLE HOUSING

- 6.1 The applicant has provided the OPDC with a financial viability assessment (FVA) as part of the application submission. The affordable housing offer identified in the FVA is as set out below:
- Option 1: 3 affordable rented homes (equates approximately 5% by habitable room)
- or
- Option 2: 11 affordable homes (circa. 20% by habitable room) all of which are proposed as shared ownership.
- 6.2 Both of the affordable housing options fall well short of policy expectations (including the OPDC's own Local Plan Policy H2) in terms of quantum and tenure requirements.
- 6.3 The OPDC's viability consultants are reviewing the FVA information to determine whether there is any additional value in the scheme to improve the affordable housing offer which is well below recently consented schemes.
- 6.4 Policy H4 of the London Plan (2021) outlines that the strategic target is for 50 per cent of all new homes delivered across London to be genuinely affordable. Policy H5 of the London Plan provides a 'fast-track route' whereby the target is lowered to 35% subject to compliance with relevant criteria.
- 6.5 Policy H03 of our Local Plan (2018) states that at least 50% of all dwellings built should be affordable (borough wide target); 60% of additional affordable housing should be for social or affordable renting, including family sized units, and 40%

should be a range of intermediate housing. Intermediate housing should be affordable to a range of incomes below the maximum cap.

- 6.6 Accordingly, officers are proposing to object to the current proposals on both the quantum and tenure split, on the grounds that we expect a far higher quantum and our preference for genuinely affordable homes such as social rent, above intermediate. It is unclear what controls are in place to ensure that any intermediate housing that is agreed (shared ownership in this instance) will be demonstrably affordable to range of incomes below the maximum income cap, as required by local and regional policy documents.
- 6.7 Any planning permission should be subject to a s106 agreement that secures appropriate affordable housing review mechanisms (in this case this should include early, mid-stage, and late-stage review mechanisms) as set out in the Planning Obligations SPD and London Plan H5.

URBAN DESIGN & HERITAGE

- 6.8 The proposals would bring forward a tall building in a location identified for such development by the OPDC Local Plan. Officers have considered the scale of the current proposals in response to context of emerging developments currently being implemented within this section of Scrubs Lane/Hythe Road. The proposals would bring forward a block varying in scale between 5 to 13 storeys, designed to incorporate brick as the main facing material.
- 6.9 The scale and design of the proposal, is of a more modest scale when compared to other developments currently being implemented within the Hythe Road cluster. As such, the townscape impacts of the development, would be limited when considering the cumulative impact of change within this area.
- 6.10 It is noted that OPDC officers have sought additional review of the detailed design of the scheme, particular to improve the functionality and useability of external balconies, and the review the appearance of the crown of the building within wider strategic views. These amendments are considered appropriate and would be welcomed to ensure a high quality of design.
- 6.11 Proposals also include provision of a new gated access to St Mary's Cemetery. This is encouraging as a principle to open-up and provide additional access to the cemetery. Officers would recommend that further detail be secured either through conditions or s106 obligations of this element of the scheme, including detailed design of the gate itself, and delivery of additional hard/soft landscape improvements within the cemetery to provide a meaningful and useable access to this open space.
- 6.12 Overall, subject to resolution of detailed element of design and detailed consideration of the access to St Mary's Cemetery, there are no objections to the proposal from a design perspective.

HIGHWAYS

Site location

- 6.13 At the site's southwest boundary, Scrubs Lane (A219) forms a junction with Hythe Road, in the form of a mini roundabout. Hythe Road provides a key access link into the industrial estate west of Scrubs Lane. It has a significant gradient change west of the mini-roundabout to pass under two north-south railway lines, with clearance of 4.7m.
- 6.14 Scrubs Lane connects with the Westway (A40) to the south and with Harrow Road (A404) to the north. These both provide onward connections to the (A406) North Circular Road.

Parking

- 6.15 The proposal is that the development would be car free with no off-street vehicular access. A new on-street inset loading bay is proposed on Scrubs Lane to service the development. The proposed inset loading bay can also be used as a pick-up / drop-off location for the development.
- 6.16 The site is 90m to the south of Controlled Parking Zone (CPZ) "AA", restricting on-street parking to permit holders and pay and display tickets within designated bays only.
- 6.17 Near the site, there are approximately 25 on-street bays, all located on the eastern side of Scrubs Lane. The bays are restricted to permit holders and those using the pay and display only between the hours of 9am to 5pm Monday to Friday.
- 6.18 Outside of the CPZ, there are single yellow lines prohibiting parking during the hours 8.00am to 6.30pm Monday to Saturday along the remainder of Scrubs Lane. On-street loading is also restricted on these single yellow lines Monday to Saturday between 8.00am-9.30am and 4.30pm-6.30pm.
- 6.19 There are four on-street parking bays approximately 60-80m to the north of the site. The site's western boundary is to a zebra crossing, whilst the south of the site has double yellow lines prohibiting parking and loading restrictions at all times.
- 6.20 Any proposed 'permit free' measures (which should apply to residents and businesses within the development) should be secured through a Section 106 legal agreement and the permit free arrangement should apply in perpetuity to prevent overspill parking on the highway. A s106 obligation / contribution should also be secured to meet the cost of reviewing and amending the hours of the parking controls in the vicinity of the site to prevent overspill parking from the Development. The highway authority should be able to drawdown on this contribution.
- 6.21 Analysis of the on-street parking restrictions in the vicinity of the site was undertaken to determine potential locations for blue badge parking spaces to be implemented should the development generate disabled parking demand. There are four on-street parking bays approximately 60-80m to the north of the site that could be used by blue badge holders. A s106 obligation / contribution should be secured to meet the cost of converting on-street parking bays to blue badge bays, if

demand was generated during the lifetime of the development. When required, the highway authority should be able to draw down on this contribution.

- 6.22 A s106 obligation / contribution should be secured to meet the cost of providing a Car Club parking bay (and associated electric charging facilities) on Scrubs Lane. It is recognised the provision of car club vehicles is necessary to facilitate access for residents in an area of low car parking provision where they may require occasional use of a vehicle.
- 6.23 In addition, a Travel Plan should be secured by planning obligation, it should include measures such as car club membership to encourage sustainable travel to / from the Development.

Public Transport accessibility

- 6.24 The site currently has a Public Transport Accessibility Level (PTAL) rating of 2, which is considered a low level of public transport accessibility.
- 6.25 The nearest bus stops are located within 50m of the site for services routing both northbound and southbound along Scrubs Lane. The bus stops are served by the service 220.
- 6.26 Willesden Junction is approximately 1km north of the site equivalent to a 14-minute walk and 5-minute cycle. It provides Overground and Bakerloo London Underground services. The Overground provides services to Stratford, Richmond, Clapham Junction, London Euston, and Watford Junction. The London Underground Bakerloo provides services to Elephant and Castle, to Stonebridge Park and to Harrow & Wealdstone.
- 6.27 Significant improvements to public transport are expected in future years. The introduction of Old Oak Common Station located 1.6km walking distance (21-minute walk) will provide access to HS2, Crossrail and national rail services. With new public transport services, the PTAL level of the site is anticipated to rise to 3 (good) indicating a satisfactory level of access to public transport by 2032.
- 6.28 In addition, enhancements to pedestrian links to Willesden Junction station may result in the station being accessible within a 960m walk distance of the site. This would provide access to additional London Overground services (North London and Watford lines) as well as the London Underground Bakerloo Line.

Walking and cycling

- 6.29 Existing Walking facilities locally are good, continuous footways are provided on both sides of Scrubs Lane for its entirety, in both the north and south directions. These footways benefit from street lighting and drop kerbs, to help facilitate easier and safer crossing.
- 6.30 A pedestrian refuge zebra crossing is located at the site's frontage onto Scrubs Lane, which benefits from dropped kerbs, tactile paving and Belisha beacon to assist pedestrians crossing of Scrubs Lane.
- 6.31 The local cycle route 4 routes along Scrubs Lane, from Harrow Road in the north to Kensington Aldridge Academy where it becomes local route 24 in the south. The

cycle route is accessible via the sites frontage which abuts onto Scrubs Lane. The cycle route shares the carriageway with other vehicles.

- 6.32 The Grand Union Canal (Paddington Branch) towpath is a Regional Cycle Route between Maida Hill and Southall Green routing up the canal, in the east and west respectively. The cycling route can be joined approximately 200m south of the site, at the Grand Union Canal.
- 6.33 The Regional Cycle Route 27 routes east to west from Bloomsbury East Acton, respectively. The cycling route is most easily accessible 1km south of the site, where the local cycle route 4 ends.
- 6.34 Improved connectivity is anticipated through new walking and cycling infrastructure including new and enhanced east to west routes. These improvements will enhance connectivity with surrounding destinations including Harlesden town centre, Kensal Canalside opportunity area, White City, Wormwood Scrubs and Old Oak Common Station.

Healthy Streets

- 6.35 An Active Travel Zone (ATZ) assessment has been submitted with the application in accordance with the TfL Healthy Streets Transport Assessment guidance. However, consideration hasn't be given to the quality of pedestrian and cycle routes in the hours of darkness. This assessment should be updated to inform further discussions with the appropriate highway authority about intended mitigation for this site.
- 6.36 The area is currently car dominated and improvements to the active travel environment are required to support the introduction of residential in this area. Enhancements to the current public realm environment, beyond the red line boundary, is required to support improving it against the Healthy Streets criteria but to assist in achieving a strategic modal shift in line with London Plan policies T1 and T2.

Cycle Parking

- 6.37 Cycle parking for the development will be provided in the form of lower tiered racks which will be capable of accommodating 120 bicycles. This provision is in line with standards set out in the London Plan. A further five Sheffield stands are proposed on the site frontage to accommodate 10 short term spaces to the commercial units in accordance with the London Plan.
- 6.38 The cycle parking is provided in a safe and secure ground floor storage area, accessible from the northern and eastern side of the site, beyond a secure gate, with a link through to the internal residential lobby. Further cycle parking is located on a mezzanine level and can be accessed via a bike lift. The bike lift meets the dimensions as specified in London Cycle Design Standards (LCDS). There are six larger cycle spaces (5%) proposed for cargo/adaptable bikes in line with LCDS. The larger spaces are provided via Sheffield stands.
- 6.39 Further details of the cycle parking, and associated facilities should be secured by planning condition. All cycle parking should be designed in accordance with the guidance contained in Chapter 8 of the London Cycling Design Standards (LCDS).

Trip generation

- 6.40 The extant use has the potential to generate some six two-way vehicle movements across a day with some 36 arrival trips and 31 departure trips either via public transport modes or walking/cycling to/from the site.
- 6.41 Due to car-free nature of the development, and the small size of the replacement commercial unit, it is anticipated that most trips will be by sustainable modes. Public transport will be the most usual form of transport with 31 two-way trips in each of the peak hours (approximately 70-80% of all trips).

Delivery and servicing

- 6.42 There will be a maximum of 22 delivery and servicing trips per day. This is equivalent to one trip every 30 mins (between 7am and 7pm).
- 6.43 The monitoring of servicing activities at the site should be secured through a Delivery and Servicing Plan monitoring obligation for a minimum of five years from first occupation of the proposed development. To ensure Delivery and servicing activities do not impact on the surrounding highway network.
- 6.44 The development proposal includes the provision of an inset loading bay which requires the relocation of the zebra crossing outside of the site further to the north. The design of the loading bay has been supported with a Road Safety Audit. The loading bay would be a half-on/half-off loading bay. So, it will be used as a footway at other times. When the loading bay is in use, the footway provided is 2.5m.
- 6.45 The zebra crossing is proposed to be relocated 5m to the north of the existing location. The applicant would be required to enter into a section 278 agreement with the highway authority to secure these works, this should be secured through a planning obligation. The Obligation should require the applicant to enter into the section 278 agreement upon implementation of the development.
- 6.46 In addition, Analysis of personal injury accident data records has identified safety issues at the Scrubs Lane / Hythe Road Mini Roundabout and in the vicinity of this junction. These include injuries to pedestrians and cyclists. To meet Vision Zero objectives and support sustainable modes of travel at the site, s278 improvement works to pedestrian and cycle facilities at this junction should be secured through a planning obligation.

Construction

- 6.47 A draft Construction Logistics Plan (CLP) was submitted with the planning application. A full CLP should be secured by condition and approved by the highway authority prior to commencement of construction on site. A CLP monitoring obligation should be secured to monitor construction vehicle activities at the site, and to ensure the site operates in accordance with the CLP. The monitoring contribution should be secured by planning obligation. The CLP should also consider the cumulative impact associated with other construction activities in the surrounding area.

7.0. CONCLUSION

- 7.1. Officers recommend that that the Council raises an objection to the OPDC in relation to this application proposed development as detailed in the body of this report and set out in the “Officer Recommendation” section above.